

**99-346 Maine State Housing Authority**

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2024-151: Chapter 24, Home Energy Assistance Program Rule

<b>Statutory Authority:</b>	30-A M.R.S. §§4722(1)(W), §4741(1) and (15) and 4991 <i>et seq.</i> ; 42 U.S.C. §§8621, <i>et seq.</i>
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal Impact:</b>	NONE
<b>Principal purpose:</b>	<i>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 Fuel Supplemental Benefits, weatherization, heat pumps, and heating system repair and replacement funds to income eligible households in the State of Maine. This replacement rule: removes unnecessary definitions and language from the Rule and places it within the HEAP Handbook and other relevant guidance; clarifies existing definitions; modifies the requirements for Categorical Income Eligibility; reorganizes the sections for a more logical flow; adds additional alternatives to the allowable documentation Applicants must provide to verify citizenship/legal status, identity and social security numbers; establishes a new points system for determining Benefits that will assist with the move to mostly online Applications; and clarifies the limited circumstances in which MaineHousing will allow a waiver of the Rule.</i>
<b>Basis Statement:</b>	<i>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 Fuel Supplemental Benefits, weatherization, heat pumps, and heating system repair and replacement funds to income eligible households in the State of Maine. This replacement rule: removes unnecessary definitions and language from the Rule and places it within the HEAP Handbook and other relevant guidance; clarifies existing definitions; modifies the requirements for Categorical Income Eligibility; reorganizes the sections for a more logical flow; adds additional alternatives to the allowable documentation Applicants must provide to verify citizenship/legal status, identity and social security numbers; establishes a new points system for determining Benefits that will assist with the move to mostly online Applications; and clarifies the limited circumstances in which MaineHousing will allow a waiver of the Rule.</i>

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2024-152: Chapter 16, Low-Income Housing Tax Credit Rule

<b>Statutory Authority:</b>	30-A M.R.S. §4741(1), 30-A M.R.S. §4741(14) and Section 42 of the Internal Revenue Code of 1986, as amended
<b>Type:</b>	Routine Technical
<b>Emergency?:</b>	No
<b>Fiscal Impact:</b>	<i>The 2025 State of Maine ceiling of federal low-income housing tax credits is projected to raise approximately \$34,700,000 of private investor capital, and the 2026 State of Maine ceiling of federal low-income housing tax credits is projected to raise approximately \$35,300,000 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 a year will be created with this investment. The rule will not impose any costs on municipalities or counties for implementation or compliance.</i>
<b>Principal purpose:</b>	<i>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 2025 and 2026, as required pursuant to Section 42 of the Internal Revenue Code. The rule repeals and replaces the current Chapter 16, Low-Income Housing Tax Credit Rule, regarding the allocating and administering of the credit for calendar years 2023 and 2024.</i>
<b>Basis Statement:</b>	<p><i>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 <a href="#">Section 42</a> of the Internal Revenue Code and the above-referenced sections of the Maine Housing Authorities Act.</i></p> <p><i>This rule replaces the prior rule and includes the following changes:</i></p> <p><i>Throughout:</i></p> <ul style="list-style-type: none"><li><i>Updated deadlines</i></li><li><i>Updated Section number references</i></li><li><i>Repaired grammatical errors (punctuation, typos, correcting defined terms, etc.)</i></li></ul> <p><i>Section 3A: Added “at least” to clarify that MaineHousing can set aside more than 10% for the Nonprofit Set-Aside.</i></p> <p><i>Section 3B: Updated Preservation Set-Aside amount to \$750,000.</i></p> <p><i>Section 3C: Increased the amount of credit per unit to \$30,000 from \$20,000, and changed the maximum amount of credit per project to \$1,200,000.</i></p> <p><i>Section 4A: Pre-apps due July 3, 2024 and July 3, 2025.</i></p> <p><i>Section 4B2: Applications due September 19, 2024 and September 18, 2025.</i></p>

*Section 4B3: Added language: “Submitted exhibits must include documentation such as grant award letters, signed documentation on letterhead or evidence of official municipal action to provide evidence of all funding sources and official approvals.”*

*Section 4I4: Updated language to clarify.*

*Section 4I5: Added language “in the case of a TDC Index Cap waiver, the TDC Index increases substantially”*

*Section 5A: Removed Section 8I1 language.*

*Section 5A3 Revised to revert the language back to the language that was adopted in the 2023-2024 QAP. MaineHousing had made changes to the 2023-2024 QAP after a public hearing and those changes were adopted, however in the version MaineHousing published for the 2025-2026 QAP, those changes were inadvertently left out. MaineHousing did not intend to make any changes to this Section.*

*Section 5A4 Revised to revert the language back to the language that was adopted in the 2023-2024 QAP. MaineHousing had made changes to the 2023-2024 QAP after a public hearing and those changes were adopted, however in the version MaineHousing published for the 2025-2026 QAP, those changes were inadvertently left out. MaineHousing did not intend to make any changes to this Section.*

*Section 5B: Increased the TDC Index caps.*

*Section 5C: Increased Rehabilitation Costs per unit of existing housing from \$50,000 to \$75,000.*

*Section 5G: Updated and clarified re-characterization language.*

*Section 5H: Added a link to the latest version of the Quality Standards and Procedures Manual and noted energy efficiency standards. Additionally, updated Build America, Buy America requirements, removed electrical raceway/conduits language and relocated and updated Section 3 language.*

*Section 5I3: Revised to revert the language back to the language that was adopted in the 2023-2024 QAP then revised to update the language to be consistent with the changes that were provided in the 2025-2026 version of the QAP that was published. Changed Broadband Capabilities to “Broadband Access” and indicated that the project must include broadband infrastructure with capacity sufficient to support the provision of Telehealth services. Separated out the definition of Broadband infrastructure and removed “ConnectMaine”. Deleted “If the broadband capabilities are used for telemedicine services”.*

*Section 5J: Added that the resident service coordinator must be available twice weekly which is the appropriate number of days each week acceptable to*

*MaineHousing.*

*Section 6: Renumbered and reorganized the scoring criteria.*

*Section 6A: Increased the scoring points for Rehabilitation or Reuse of Existing Housing, Structure or Site from 4 to 5.*

*Section 6B: Increased the scoring points for Historic Rehabilitation from 4 to 5.*

*Section 6E: Updated the scoring points for Accessibility to increase 6 points to 9 points for Projects that are not specifically for Older Adults or Families, having only 1 BR and/or efficiency units and to add 6 points for Family Projects.*

*Section 6F: Increased the scoring points for National Housing Trust Fund from 1 to 2.*

*Section 6G: Increased the scoring points for Acquisition Cost from 4 to 5, increased the average acquisition cost per unit and increased the percentage of project's acquisition cost as compared to average acquisition cost and the associated points.*

*Section 6I: Decreased the scoring points for Housing Need from 10 to 8 and updated the Service Center Community Cities/Towns for both Project providing housing for Older Adults and Other Housing Projects and the associated points. Additionally, adjusted the points for Projects located on Native American tribal lands from 10 points to 8 points.*

*Section 6J: Increased the scoring points for Community Revitalization from 3 to 5 and added two points for Projects located in a QCT with at least 20% of the units at market rate.*

*Section 6K: Adjusted the scoring points and criteria for proximity to activities important to daily living to up to 5 points for activities important for daily living that are located within not more than a ½ mile of the Project, 1 point per activity.*

*Section 6L: Increased the scoring points for Readiness and provided a breakdown of the points for different categories.*

*Section 6M: Added the word "successfully" to the scoring criteria for two categories.*

*Section 6N: Changed to negative points for bad performance. Added language clarifying that MaineHousing has the discretion to consider whether non-compliance was a direct result of the Applicant's non-performance, the performance of an unaffiliated third-party, or a result of something outside the control of any affiliated party provided it was corrected appropriately within a reasonable timeframe.*

*Section 6O: Reduced the weight of the scoring criterion from 5 points to 2. Added*

*language clarifying that experience successfully managing at least one (1) low income housing property developed under a Federal program that is substantially similar to LIHTC, to be determined at MaineHousing's sole discretion, is experience that qualifies for 1 point.*

*Section 6P: Changed to negative points for bad performance.*

*Section 10F: Added Utility Monitoring to begin in Year 2 of the QAP.*

*Section 11H: Added a reference to Appendices for clarity.*

*Appendix A: Change made to "Activities Important to Daily Living" definition adjusting retail store to a store that offers regularly purchased household supplies.*

*Deleted the definition for "Telemonitoring."*

*Appendix B: Language was added to require any available radon test results for the Project site.*

*Appendix E: Revised to revert the language back to the language that was adopted in the 2023-2024 QAP. MaineHousing had made changes to the 2023-2024 QAP after a public hearing and those changes were adopted, however in the version MaineHousing published for the 2025-2026 QAP, those changes were inadvertently left out. MaineHousing did not intend to make any changes to Appendix E.*

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2024-242: Chapter 19, Homeless Solutions Rule

**Statutory Authority:** 30-A M.R.S. §§4741 (1) and (18); §4766; §4994-A; 42 U.S.C. §§11301, *et seq.*

**Type:** Routine Technical

**Emergency?:** No

**Fiscal Impact:** *None.*

**Principal purpose:** *This replacement rule repeals and replaces in its entirety the current Chapter 19, Homeless Solutions Rule, in order to: (i) revise and update language and definitions where appropriate; (ii) remove eligibility criteria from the rule and instead place it in the appropriate program guides; (iii) clarify language; (iv) encourage collaboration with Homeless Service Hubs; (v) provide discretion on HMIS data entry requirements; and (vi) update the compliance monitoring process to include risk based assessments.*

**Basis Statement:** *This replacement rule repeals and replaces in its entirety the current Chapter 19, Homeless Solutions Rule, in order to: (i) revise and update language and definitions where appropriate; (ii) remove eligibility criteria from the rule and instead place it in the appropriate program guides; (iii) clarify language; (iv) encourage collaboration with Homeless Service Hubs; (v) provide discretion on HMIS data entry requirements; and (vi) update the compliance monitoring process to include risk based assessments.*

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2024-274: Chapter 36, Housing First Program Administrative Responsibility Rule

Statutory Authority: 22 M.R.S. § 20-A (2023) and 30-A M.R.S. § 4741(1)

Type: Routine Technical

Emergency?: No

Fiscal Impact: None

Principal purpose: This is a new joint rule by the State of Maine Department of Health and Human Services, Office of Behavioral Health and Maine State Housing Authority setting forth the responsibilities of each agency and their joint responsibilities in administering the State of Maine’s Housing First Program. The Housing First Program provides funding for support and stabilization services for residents of properties in the State of Maine that provide permanent housing for persons who are experiencing chronic homelessness.

Basis Statement: The Housing First Program Administrative Responsibility Rule is a joint rule by the State of Maine Department of Health and Human Services, Office of Behavioral Health (the “Department”) and Maine State Housing Authority (“MaineHousing”) setting forth the responsibilities of each agency and their joint responsibilities in administering the State of Maine’s Housing First Program (the “Program”). The Program provides funding for support and stabilization services for residents of properties in the State of Maine that provide permanent housing for persons who are experiencing chronic homelessness.

The Department is responsible for administering the funding under the Program. The funding is primarily for 24-hour on-site supportive services, except for an annual amount that is set aside for housing stability services available for residents at least 20 hours each week but not necessarily on site or 24 hours per day. Any funding that is not used for these supportive services and the Department’s costs of administering the Program will be transferred to MaineHousing to develop affordable permanent housing with 24-hour on-site supportive services, which initially will be the majority of the funding to produce the housing where these services will be provided.

The Department is also responsible for establishing and administering the requirements for the two types of supportive services that are eligible for funding under the Program, the payment models for the services, and the qualifications of the providers of the services. The Department is obligated to maximize eligibility for reimbursement under existing and future federal programs that provide funding for the supportive services, such as MaineCare, to supplement and expand the use of the funding and to provide technical assistance to providers in navigating these federal programs.

MaineHousing will work with the Department to administer the permanent housing with 24-hour on-site services. The Department and MaineHousing will identify the areas in the State where the properties should be located to best serve persons who are chronically homeless. The funding under the Program will only be available to teams that are selected under one or more competitive processes and consist of a service provider that the Department has determined is qualified through its procurement process together with an experienced affordable housing developer and

*property manager that MaineHousing, in consultation with the Department as needed, determines can work together to successfully develop, own and operate permanent housing with 24-hour on-site services for persons who are chronically homeless. MaineHousing will provide technical assistance, approve specific sites, develop construction standards to ensure successful operation and delivery of services at the properties, and offer financing for the development of the properties, including Program funding transferred to MaineHousing, other capital funding, and low-income housing tax credits.*

*The rule delegates oversight of the service providers to the Department, but the Department and MaineHousing will work together to develop, administer, and enforce the operational guidelines for the permanent housing with 24-hour on-site supportive services to effectively address chronic homelessness and ensure long-term viability of these properties. The rule also addresses other administrative responsibilities of the Department and MaineHousing, including recordkeeping and reporting requirements.*