Annual List of Rulemaking Activity
Rules Adopted January 1, 2022 to December 31, 2022
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 §§ 4741(1), 4741(14); Section 42 of the *Internal Revenue Code of 1986* as amended.
Chapter number/title:	**Ch. 16** *(Repeal and replace)*, Low Income Housing Tax Credit Rule
Filing number:	**2022-134**
Effective date:	7/13/2022
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 2023 and 2024, 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 2021 and 2022.

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 2023 State of Maine ceiling of federal low-income housing tax credits is projected to raise approximately $30,500,000 of private investor capital, and the 224 State of Maine ceiling of federal low-income housing tax credits is projected to raise approximately $31,000,000 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.

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Agency name:	**Maine State Housing Authority (MSHA)**
Umbrella-Unit:	**99-346**
Statutory authority:	30-A MRS §§ 4741(1), 4741(18); 42 USCA §§ 11301 *et seq.*
Chapter number/title:	**Ch. 19** *(Repeal and replace)*, Homeless Solutions Rule
Filing number:	**2022-233**
Effective date:	12/7/2022
Type of rule:	Routine Technical
Emergency rule:	No

Principal reason or purpose for rule:

This replacement rule repeals and replaces in its entirety the current *Homeless Solutions Rule* in order to (i) revise and update language where appropriate; (ii) add language regarding the new regionalized homeless response system; (iii) address concerns regarding bed utilization; and (iv) make changes to the funding formula allocation.

Basis statement:

This rule repeals and 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) adds language regarding the new regionalized homeless response system; (iii) addresses concerns regarding bed utilization; and (iv) makes changes to the funding formula allocation.

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 §§ 4722(1)(W), 4741(1) and (15), 4991 *et seq*; 42 USCA §§ 8621 *et seq.*
Chapter number/title:	**Ch. 24** *(Repeal and replace)*, Home Energy Assistance Program Rule
Filing number:	**2022-021**
Effective date:	2/15/2022
Type of rule:	Routine Technical
Emergency rule:	Yes

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

Basis statement:
This emergency amendment to the rule establishes the Low Income Credit Program which provides a one-time bill credit for low income electricity customers of Central Maine Power and Versant. MaineHousing has determined that emergency adoption of the amendment is necessary based on the following findings:

1. The Maine Housing Authorities Act requires MaineHousing to administer HEAP in the State of Maine in accordance with rules adopted under the *Maine Administrative Procedure Act*. The existing rule needs to be amended to allow for a one-time bill credit for low-income electricity customers
2. As a result of dramatic increases in the price of natural gas and oil, Maine ratepayers have large increases in their energy costs this winter. Central Maine Power's and Versant Power's standard offer rates increased by more than 80% on January 1, 2022. The average monthly increase for the residential customers of those utilities is approximately $30/month. These increases have occurred at the same time as large increases in home heating costs and transportation costs driven by the same increases in fossil fuel prices that drove up electricity supply rates. These increases disproportionately harm customers whose incomes are at or below 150% of the Federal Poverty Level.
3. Current rising inflation in the price of other necessities further disproportionately harms those whose incomes are at or below 150% of the Federal Poverty Level.
4. In addition, the pandemic has also widened gaps in wealth, employment, housing, and access to health care across the United States.
5. The Low Income Bill Credit Program is needed to protect the Power Companies' customers whose household incomes are at or below 150% of the Federal Poverty Level.
6. Emergency adoption is needed to provide the funds for the Power Companies to make the one-time bill credits to their most vulnerable customers by March 30, 2022, because beginning on April 15, 2022, customers with past-due bills will be at significantly greater risk of having their electricity disconnected for nonpayment.
7. Immediate adoption of the emergency amendment is necessary to avoid an immediate threat to public health, safety, and general welfare.

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 §§ 4722(1)(W), 4741(1) and (15), 4991 *et seq*; 42 USCA §§ 8621 *et seq.*
Chapter number/title: **Ch. 24** *(Repeal and replace)*, Home Energy Assistance Program Rule
Filing number: **2022-135**
Effective date: 7/13/2022
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, heat pumps, and heating system repair and replacement funds to income eligible households in the State of Maine. This replacement rule: allows for Categorical Income Eligibility for Households receiving TANF or SNAP assistance; expands the time period in which eligible medical expenses can be deducted for income determination; allows for HEAP Categorical Income Eligibility for Weatherization, CHIP and Heat Pump programming; and permits TANF Supplemental Benefits to be sent to HEAP Vendors pre-delivery in the same manner as regular HEAP Benefits. 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 (MSHA)**
Umbrella-Unit:	**99-346**
Statutory authority:	30-A MRS §§ 4741.1, 4722(1)(L)
Chapter number/title:	**Ch. 29** *(Repeal and replace)*, Multi-family Mortgage Loans
Filing number:	**2022-180**
Effective date:	9/19/2022
Type of rule:	Routine Technical
Emergency rule:	No

Principal reason or purpose for rule:

This replacement rule repeals and replaces in its entirety the current Multi-family Mortgage Loans rule. The rule provides the framework and basic requirements for MaineHousing Multi-family lending programs and governs the allocation of resources for such programs, program design, the publication and distribution of program guides, eligibility standards, loan standards, construction and rehabilitation requirements, management requirements, and potential selection criteria. This replacement rule: adds an additional New Construction and Rehabilitation Requirement for Developments Financed with Project Labor Agreement Funds.

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. This replacement rule: adds an additional New Construction and Rehabilitation Requirement for Developments Financed with Project Labor Agreement Funds.

Fiscal impact of rule:

None.

Agency name:	**Maine State Housing Authority (MSHA)**
Umbrella-Unit:	**99-346**
Statutory authority:	30-A MRS §§ 4722, 4741.1; 36 MRS §5219-WW
Chapter number/title:	**Ch. 35** *(Repeal and replace)*, State Low Income Housing Tax Credit Rule
Filing number:	**2022-136**
Effective date:	7/13/2022
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 State Low Income Housing Tax Credit Rule. The rule provides for the allocation and administration of the state affordable housing tax credit, a refundable credit for the development and preservation of certain affordable multifamily rental housing in Maine. The law establishing the credit requires MaineHousing to recapture credit for noncompliance and provides for a lien to enforce repayment of recapture. The replacement rule adds procedures for determining what constitutes noncompliance that causes recapture and when recapture is calculated and collected. The new procedures limit recapture to material noncompliance that is not corrected within a reasonable period of time and, except in cases of severe or repeated noncompliance, will defer recapture to the end of the 15-year compliance period and limit recapture to the period of noncompliance to maintain the affordability of the projects, particularly the very low-income units, to the greatest extent possible during the compliance period and to minimize the financial impact on the projects.

Fiscal impact of rule:
$10,000,000 per year tax credits.