**MAPA-3** revised 8-2019

**Notice of Agency Rulemaking Proposal**

AGENCY: 19-100-Department of Economic and Community Development

CHAPTER NUMBER AND TITLE: Chapter 4: Rule Regarding Housing Opportunity Program Grants

TYPE OF RULE *(check one)*: x Routine Technical  Major Substantive

PROPOSED RULE NUMBER:

BRIEF SUMMARY: P.L. 2021, ch. 635, Pt. U established the Housing Opportunity Program to encourage and support the development of additional housing units in the State, including housing units that are affordable for low-income and moderate-income individuals and housing units targeted to community workforce housing needs. The Housing Opportunity Program Grants are grants to service providers to support municipal ordinance development, planning services and policy amendments to support increased housing development. The purpose of the rule is to define the criteria and proposal process for applications for grant funding.  The Department will solicit applications for grants through a competitive application process.

Date, time and location of PUBLIC HEARING *(if any)*: None

COMMENT DEADLINE: Monday, March 13, 2023, 5pm

CONTACT PERSON FOR THIS FILING/SMALL BUSINESS IMPACT INFORMATION: *(include name, mailing address, telephone, fax, TTY, email)*:

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FINANCIAL IMPACT ON MUNICIPALITIES OR COUNTIES *(if any)*: The Department was allocated funds to provide grant funding to service providers to support municipal ordinance development and community housing priorities.

STATUTORY AUTHORITY FOR THIS RULE: P.L. 2021, ch. 635, Pt. U codified at 5 M.R.S. § 13056-J(4)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED *(if different)*:NA

AGENCY WEBSITE: [www.maine.gov/decd](http://www.maine.gov/decd).

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 **19-100** **DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT**

**Chapter 4:**  **RULE REGARDING HOUSING OPPORTUNITY PROGRAM GRANTS**

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**Summary:** This chapter outlines the procedures, criteria and program review requirements governing the Housing Opportunity Program Grants.

**Note:** This Chapter incorporates by reference a Maine Department of Administrative and Financial Services rule. A copy of this rule may be obtained by contacting the Department of Administrative and Financial Services, Division of Procurement Services, 9 State House Station, Augusta, Maine 04333, (207) 624-7340.

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**SECTION 1. PURPOSE AND DEFINITIONS**

1. **Purpose**

The Housing Opportunity Program provides grants to service providers to encourage and support the development of additional housing units in Maine, including housing units that are affordable for low-income and moderate-income individuals and housing targeted to community workforce housing needs. The purpose of the rule is to define the criteria and proposal process for applications for grant funding.

1. **Definitions**

**Department.** “Department” means the Department of Economic and Community Development.

**Program.** “Program” means the Housing Opportunity Program.

**Service provider.** “Service provider” means regional planning organizations (councils of governments, regional planning commissions), regional economic development organizations, county governments, non-profit organizations, academic institutions and cooperative extension programs, for-profit enterprises and other organizations focused on providing a regional approach. Municipalities are also eligible to apply as a service provider and will need to demonstrate experience and capacity.

**SECTION 2.** **ELIGIBILITY**

Service providers are eligible to apply for grant funds to support municipal ordinance development and community housing planning services, provide technical assistance, and encourage public participation and community engagement in their efforts to increase housing opportunities.

**SECTION 3. APPLICATION PROCESS**

1. The Department shall issue requests for proposals for grant applications from service providers. All proposals will be reviewed by a grant selection committee and amounts, if any, will be awarded on the quality of the applicant’s application. Criteria for the grant selection committee’s evaluation of proposals consistent with this rule will be set forth in the request for applications. Award decisions may be appealed to the Director of the Bureau of General Services pursuant to 18-544 C.M.R. ch. 120, Rules for Appeal of Contract and Grant Awards (May 1, 1996).
2. Proposals must detail plans describing the tactics that will be used to support municipal ordinance development and planning services to increase housing opportunities. The Department may require proposals to include the following:
3. Evidence of experience and technical expertise to perform the proposed work, or process and criteria to be used to obtain these services;
4. A detailed scope of work identifying measurable outcomes that will be achieved as a result of receiving funds;
5. Identification of target metrics describing how the applicant will measure performance;
6. Evidence of adequate and committed sources of operating capital, such as previous fiscal year budget and expenses;
7. A proposed budget for the funds and budget narrative outlining the use of funds;
8. Evidence of sources and access to matching funds; and
9. If using in-kind match, a description of the activity, including identity of personnel assigned to work on the in-kind project specific to this grant and the value of match.

**SECTION 4. PROGRAM REVIEW**

1. **Department Responsibilities**

By January 15, 2024, the Department shall submit a report to the joint standing committee of the Legislature having jurisdiction over economic development and housing matters. The report must include the following:

1. Recommendations for changes in the statutes to improve the program and its delivery of services to municipalities;

2. An accounting of the use of all program funds received and expended since the program’s inception;

3. A summary of the status of any approved projects; and

4. A summary of the results of any completed projects.

1. **Grantee Responsibilities**

Grantees receiving grants under this program shall report to the Department with biannual reports. In reporting to the Department, grant recipients must include the following organizational performance and outcome measures for their programs:

1. An accounting of the use of all program funds received and expended;

2. Summary of activity;

3. Summary of expenses;

4. Budget breakdown;

5. Changes to original application/intended use of funds; and

6. Update on target metrics.

**STATUTORY AUTHORITY:** P.L. 2021, ch. 635, Pt. U codified at 5 M.R.S. § 13056-J(4)

**EFFECTIVE DATE:**