

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2023 to December 31, 2023**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A(5)*

**Agency name:** **Maine State Housing Authority (MSHA)**  
**Umbrella-Unit:** **99-346**  
**Statutory authority:** 30-A M.R.S.A. §§4722(1)(W), 4741 (1) and (15), and 4991 *et seq.*;  
42 U.S.C.A. §§8621, *et seq*  
**Chapter number/title:** **Ch. 24**, Home Energy Assistance Program Rule  
**Filing number:** **2023-099**  
**Effective date:** 7/3/2023  
**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 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 low-income households in the State of Maine. This replacement rule: establishes new annual end date for taking HEAP applications; provides clarity that providing Program services is contingent upon availability of HEAP funding; establishes the Design Heat Load Calculation as the sole method of determining a Benefit; allows Benefit levels to be determined using the Home Energy type requested by the Primary Applicant; and provides Payments of Benefits directly to Primary Applicants who receive their Benefit for firewood.

**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: establishes new annual end date for taking HEAP applications; provides clarity that providing Program services is contingent upon availability of HEAP funding; establishes the Design Heat Load Calculation as the sole method of determining a Benefit; allows Benefit levels to be determined using the Home Energy type requested by the Primary Applicant; and provides Payments of Benefits directly to Primary Applicants who receive their Benefit for firewood. 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)  
**Chapter number/title:** **Ch. 27**, Transfer of Ownership Interests  
**Filing number:** **2023-017**  
**Effective date:** 1/30/2023  
**Type of rule:** Routine Technical  
**Emergency rule:** No

**Principal reason or purpose for rule:**

The reason for proposing this Rule is to replace the existing Transfer of Ownership Interests Rule with more clearly set forth policies and procedures for approving changes in ownership of multifamily and supportive housing projects that are subject to MaineHousing financial and regulatory oversight.

**Basis statement:**

This Rule, which replaces the prior rule, sets forth the policies and procedures for approving changes in ownership of multifamily and supportive housing projects that are subject to MaineHousing financial or regulatory oversight. The changes in this Rule reinforce protections against the transfer of ownership interests in projects or the owners of projects that could undermine the public benefit of the projects during the period committed by the owners when they received assistance from MaineHousing. This Rule applies to projects that have an allocation of federal or state tax credits from MaineHousing as well as projects with financing or grants from MaineHousing. The application of the Rule to transfers of ownership interests in an entity that owns a project is expanded to include any direct or indirect change in the entity, not just controlling interests in the entity. This Rule also eliminates all exceptions contained in the prior rule, but does maintain simplified procedures for certain transfers, such as transfers to affiliates, transfers of investor interests in tax credit projects to the project sponsors, and transfers of certain non-controlling interests.

**Fiscal impact of rule:**

None