

November 3, 2021

Jill Grossman, Counsel
North Dakota Legislative Council
State Capitol
Bismarck, ND 58505

RE: Proposed Creation of N.D. Admin. Code chapter 75-02-12
Housing Assistance

Dear Ms. Grossman:

Enclosed for filing in the office of the Legislative Council is the Notice of Intent to create Administrative Rules concerning the above proposed rules as required by N.D.C.C. section 28-32-10. Also enclosed is a copy of the proposed rules.

We have requested publication of an abbreviated newspaper publication notice once in each official county newspaper which will notify the public that an oral hearing on these rules will be held on Tuesday, December 14, 2021, beginning at 1:00 p.m. and continuing until 2:30 p.m. or until no further testimony is offered, whichever occurs first.

If you have any questions or concerns, please contact me at 328-2311. Thank you.

Sincerely,



Jonathan Alm
Legal Advisory Unit

JA/rv

cc: Michele Gee, Economic Assistance
Nikki Aden, Economic Assistance
Emily Bostyan, Economic Assistance
Jessica Thomasson, Executive Policy Director

Enclosures

LEGAL ADVISORY UNIT

600 E Boulevard Ave Dept 325 | Bismarck ND 58505-0250

701.328.2311 | Fax 701.328.2173 | 800.472.2622 | 711 (TTY) | www.nd.gov/dhs

NOTICE OF INTENT TO CREATE
ADMINISTRATIVE RULES RELATING TO
N.D.A.C. CHAPTER 75-02-12
HOUSING ASSISTANCE

TAKE NOTICE that the North Dakota Department of Human Services will hold a public hearing to address proposed creation of N.D. Admin. Code chapter 75-02-12 at 1:00 a.m. on Tuesday, December 14, 2021 in Bismarck, N.D. in Room 210, located on the second floor of the Judicial Wing of the State Capitol.

The proposed creation of N.D. Admin. Code Chapter 75-02-12, Housing Assistance, is a result of the passage of the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 [Pub. L. 116-260] and the American Rescue Plan Act of 2021 [Pub. L. 117-2], federal emergency rental and federal emergency homeowner assistance.

The proposed changes are as follows:

Section 75-02-12-01 is created to provide definitions for “department”, “fraud”, “household”, and “housing provider”.

Section 75-02-12-02 is created to establish the application process for a housing provider; that the Department has thirty calendar days to approve a housing provider’s application; a process for determining when the Department may consider a housing provider’s application withdrawn; and what must be included to be considered a complete application.

Section 75-02-12-03 is created to establish the reasons for which a housing provider’s application to participate in the program may be denied and revoked and the reasons for which rental assistance payment made directly to the housing provider may be denied.

Section 75-02-12-04 is created to establish the housing provider’s right to review and appeal and the process when the housing provider’s application or payment is denied or revoked. The section also identifies situations where a housing provider may not request review or appeal.

Section 75-02-12-05 is created to require that a housing provider must sign the acknowledgments contained in their application.

LEGAL ADVISORY UNIT

Section 75-02-12-06 is created to establish the eligibility criteria for a household to be considered eligible for housing assistance.

Section 75-02-12-07 is created to establish the approval process for a household's application; the process and what documents are included to be considered a complete application; how assistance payments will be made; and a process for determining when the Department may consider a household's application withdrawn.

Section 75-02-12-08 is created to establish the reasons for which a household's application for assistance may be denied or revoked and the denial and revocation process.

Section 75-02-12-09 is created to establish the household's right to appeal a denial and revocation of eligibility for assistance and the suspension of assistance after a notice of revocation is issued.

Section 75-02-12-10 is created to provide that a household may request an exception to the eligibility criteria, which Department will review on a case-by-case basis.

The proposed amendments are not anticipated to have an impact on the regulated community in excess of \$50,000. No taking of real property is involved in this rulemaking action.

Copies of the proposed rules are available for review at the human service zones offices and at human service centers. Copies of the proposed rules and the regulatory analysis relating to these rules may be requested by telephoning (701) 328-2311. Written or oral data, views, or arguments may be entered at the hearing or sent to: Rules Administrator, North Dakota Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Dept. 325, Bismarck, ND 58505-0250. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. on Monday, December 27, 2021.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the Department of Human Services at the above telephone number or address at least two weeks prior to the hearing.

Dated this 3rd day of November, 2021.

November 3, 2021

RE: Proposed creation of N.D. Admin. Code chapter 75-02-12
Housing Assistance

TO WHOM IT MAY CONCERN:

The Department of Human Services is proposing the creation of N.D. Admin. Code chapter 75-02-12, Housing Assistance. The department has adopted procedures to assure public input into the formulation of the rules prior to adoption.

In conformity with those procedures, we are providing you with a copy of the proposed rules and are requesting that you provide any written data, views, or arguments no later than 5:00 p.m. on Monday, December 27, 2021.

The department has scheduled an oral hearing for Tuesday, December 14, 2021. Further information concerning the public hearing is included in the attached notice of proposed rulemaking and public hearing.

Your participation is welcomed, as are your suggestions. Please send all written data, views, or arguments to: Rules Administrator, Department of Human Services, State Capitol - Judicial Wing, 600 E. Boulevard Ave., Bismarck, ND 58505-0250.

Sincerely,



Christopher Jones,
Executive Director

CDJ/rv

Enclosures

cc: Jill Grossman, Legislative Council
Michele Gee, Economic Assistance
Nikki Aden, Economic Assistance
Emily Bostyan, Economic Assistance
Jessica Thomasson, Executive Policy Director

EXECUTIVE OFFICE

GOVERNOR
Doug Burgum

EXECUTIVE DIRECTOR
Christopher Jones