

9543.0050 VARIANCE REQUESTS.

Subpart 1. **Variance information.** A variance request must include the following information:

- A. the part or parts of the rule for which a variance is sought;
- B. the reasons why a variance from the specified provisions is sought;
- C. the period of time for which a variance is requested;
- D. written approval from the fire marshal, building inspector, or health authority when the variance request is for a variance from a fire, building, or health code; and
- E. alternative equivalent measures the applicant or license holder will take to ensure the health and safety of persons served by the program if the variance is granted.

Subp. 2. **Variance procedures.** Except as provided in subpart 3, a request for a variance must be submitted in writing by the applicant or license holder.

For variances excluded from the delegation authority under Minnesota Statutes, section 245A.16, subdivision 1, the agency shall forward to the commissioner within ten working days of receipt of the request the information in subpart 1 and the agency's recommendation to approve or deny the request.

The commissioner shall send a written decision to grant or deny the variance request to the applicant or license holder and to the agency.

Subp. 3. **Foster care capacity variance at request of agency.** The agency may orally request from the commissioner a variance from child foster care capacity limits on behalf of a license holder. If the commissioner grants the variance, the agency shall submit to the commissioner the information in subpart 1 within five working days after the variance is granted.

Statutory Authority: *MS s 14.386; 14.388; 245A.09; 245A.16*

History: *15 SR 2105; 30 SR 585*

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