

MBA Operations Policy #9: Waiver Requests

This content is part of a public comment period. For more information, refer to [Minnesota Board on Aging – State Plan on Aging](#).

Note: We updated content on this page on June 23, 2025. Changed content is indicated with **[add]** and **[delete]**.

Authority Reference	OAA Sec. 315, 316, 306(b)(1), 307(a)(8) and (a)(10) 45 CFR Part 1321.65(b)(7)
Operating Category	MBA Operations

Policy

1. The purpose of this policy is to describe how AAAs may submit waiver requests and the process by which those waiver requests will be evaluated.

2. AAAs may request waivers of policy requirements not mandated by federal or state law or regulations and may request waivers as permitted by federal law, including **[add] for [end add]** the following **[add] purposes [end add]**:

- A. Direct service provision by the AAA;
- B. Priority services funding (also referred to as “Minimum Adequate Proportion”);
- C. Forgoing implementation of cost sharing in very limited circumstances;
- D. Transfer requests in excess of standard transfer thresholds;
- E. Spending more than 25% of Title III-B Supportive Services funding on Program Development and Coordination (PD&C) activities;
- F. Home modification project spending thresholds
- G. Contracting with for-profit organizations to provide services
- H. Equipment purchase limits

3. AAAs interested in seeking a waiver from any of the above requirements should review the related policy for the specific topic listed under 2(**[add] A [end add] [delete] a [end delete]**) through (**[add] H [end add] [delete] h [end delete]**) above for which they wish to seek a waiver. Criteria for each waiver request are specific to the policy topic. Those policies include the following:

- A. Direct Service Provision by AAAs
- B. Minimum Adequate Proportion
- C. Cost Sharing
- D. Transfers of Direct Service Funds
- E. Program Development and Coordination
- F. Supportive Services (for home modification)
- G. AAA Grants and Contracts with Service Providers
- H. Equipment, Maintenance, Buildings & Renovations

4. In general, waiver requests (and renewal requests) **[add] for policies listed under 3A –E and 3F above [end add]** are intended to be submitted as part of the Area Plan approval process. However, waiver requests may be submitted at any time **[delete] by submitting a letter to the Executive Director [end delete]**.

Procedures

1. If the waiver request is submitted through the Area Plan review process, AAAs must complete the MBA Waiver Request Form and submit it to the Executive Director of the MBA via **[add] Foundant [end add] [delete] the Area Plan mailbox [end delete]** with:

- A. Accompanying rationale that addresses criteria set in each relevant policy for which the waiver request is being submitted as noted above;
- B. Its impact on services for older adults;
- C. The type and amount of funding involved; and
- D. Acknowledgment that the AAA governing board has approved submission of the waiver request.

2. If a waiver request is submitted outside of the Area Plan submission process, the AAA must submit the waiver request **[add] via Foundant [end add] [delete] through a letter to the MBA Executive Director [end delete]**. The letter must address items A – D above under Procedure 1.

3. MBA will acknowledge receipt of the waiver request in writing.
4. A waiver request will be considered valid if it is related to one of the policy topics under Policy 2(**[add] A [end add] [delete] a [end delete]**) through (**[add] H [end add] [delete] h [end delete]**) above and includes the information outlined in Procedure 1(A) through (D).
5. If the waiver request is a part of the Area Plan review process, written notification of approval will be included in the Notice of Grant Award. If the waiver request is not submitted as part of the Area Plan review process, the AAA will be notified of MBA's decision within 30 calendar days of MBA's receipt of the waiver request.
6. All waivers are valid for no more than one year and follow the Area Plan and amendment cycle, at which time the AAA must resubmit its request.