

## PUBLIC NOTICE OF PROPOSED RULEMAKING

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**AGENCY:** Rhode Island Housing and Mortgage Finance Corporation

**DIVISION:** None

**RULE IDENTIFIER:** ERLID #1116

**REGULATION TITLE:** Second Amendment to and Restatement of Rules Governing the Emergency Housing Assistance Program

**RULEMAKING ACTION:** Direct Final

**DIRECT FINAL:** If no formal objection is received on or before March 20, 2017, Agency will file the repeal without further opportunity for public comment.

**TYPE OF FILING:** Repeal

**DATES:** Public Notice Date: February 16, 2017; End of Comment Period Date: March 20, 2017; Hearing Date, if any: TBD

### **SUMMARY OF PROPOSED RULE:**

The purpose of this repeal is to eliminate an obsolete rule. The above-captioned rule describes a program through which Rhode Island Housing provided temporary financial assistance to eligible residents of the State of Rhode Island for short-term emergency housing needs. After a period of several years, the program ceased to operate. As a result, the rule no longer serves a practical purpose.

### **COMMENTS INVITED:**

All interested parties are invited to submit written or oral comments concerning the proposed repeal by March 20, 2017, to the address listed below.

### **ADDRESS FOR PUBLIC COMMENT SUBMISSIONS:**

Corinne Myers, Deputy General Counsel  
Rhode Island Housing and Mortgage Finance Corporation  
44 Washington Street, Providence, Rhode Island 02903  
[cmyers@rhodeislandhousing.org](mailto:cmyers@rhodeislandhousing.org)

### **PUBLIC HEARING:**

In accordance with RIGL § 42-35-2.8, an oral hearing will be granted if requested by twenty-five (25) persons, by an agency or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

**FOR FURTHER INFORMATION CONTACT:**

Corinne Myers, Deputy General Counsel  
Rhode Island Housing and Mortgage Finance Corporation  
44 Washington Street  
Providence, Rhode Island 02903  
(401) 277-1552  
[cmyers@rhodeislandhousing.org](mailto:cmyers@rhodeislandhousing.org)

**SUPPLEMENTARY INFORMATION:****Regulatory Analysis Summary and Supporting Documentation:**

No economic impact was identified in connection with this repeal. By this action, Rhode Island Housing proposes to repeal an obsolete rule, and does not (a) impose any compliance or reporting obligations; (b) require adherence to schedules or deadlines; (c) establish performance, design or operational standards; or (d) establish any other requirements, which may be consolidated or simplified or from which small businesses could be exempt. This repeal is intended to further the objectives of the Office of Regulatory Reform by eliminating an obsolete rule.

**Authority for This Rulemaking:** R.I. General Laws § 42-55-5(5)

**Regulatory Findings:**

In the development of the proposed repeal consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

**The Proposed Action:**

Rhode Island Housing and Mortgage Finance Corporation proposes to repeal ERLID #1116 in its entirety:

~~RHODE ISLAND HOUSING AND  
MORTGAGE FINANCE CORPORATION~~

~~SECOND AMENDMENT TO AND RESTATEMENT OF RULES AND GOVERNING THE  
EMERGENCY HOUSING ASSISTANCE PROGRAM~~

~~SECTION 1. EMERGENCY HOUSING ASSISTANCE PROGRAM~~

~~1.1 Description and Program Purposes. The Emergency Housing Assistance Program is an initiative of the Corporation designed to provide temporary financial assistance to eligible residents of the State of Rhode Island for short term emergency housing needs. Although it will be funded in part with Corporation funds, the Program will be administered primarily by the nine (9) Community Action Agencies serving the State of Rhode Island. The Corporation has established an Emergency Housing Trust Fund with Three Million Dollars (\$3,000,000), the net income of which, together with funds from sources other than the Corporation, will be used to provide funds to the Community Action Agencies for eventual distribution to Households in need of emergency housing assistance.~~

~~SECTION 2. DEFINITIONS~~

~~2.1 Defined Terms. As used in these Rules and Regulations the following terms shall have the following meanings:~~

- ~~2.1.1 "Act" means the Housing and Mortgage Finance Corporation Act set forth in Chapter 55 of Title 42 of the Rhode Island General Laws of 1956, as amended.~~
- ~~2.1.2 "Administrative Costs" means costs and expenses incurred by a CAP Agency in administering the Program. Administrative Costs include, in addition to such other costs and expenses as may be approved by the Corporation from time to time, the cost of supplies and equipment required to be purchased or used by a CAP Agency to administer the Program and staff expense incurred with the administration of the Program.~~
- ~~2.1.3 "Application" means an Application made by an adult member of a Household to a CAP Agency for Temporary Emergency Housing Payments. A uniform form of Application approved by the Corporation shall be adopted by each CAP Agency which Application form shall, at a minimum, require the Household applicant to provide the information and documentation necessary for each CAP Agency to administer the Program effectively and to ensure that only eligible Households received EHTF Proceeds. The Corporation may, at its sole option and discretion, withhold all or any EHTF Proceeds allocated to a CAP Agency that fails to use the uniform Application.~~
- ~~2.1.4 "Board of Commissioners" means the Board of Commissioners of the Corporation.~~
- ~~2.1.5 "CAP Agency" means one of the nine (9) Community Action Agencies serving the thirty-nine (39) cities and towns of the State of Rhode Island. The CAP Agencies are as follows: BLACKSTONE VALLEY COMMUNITY ACTION PROGRAM, INC.; NEW VISIONS FOR NEWPORT COUNTY, INC.; TOCTA, INC.; PROVIDENCE COMMUNITY ACTION PROGRAM, INC.; TRI-TOWN ECONOMIC OPPORTUNITY COMMITTEE; CRANSTON COMMUNITY ACTION PROGRAM COMMITTEE, INC.; SELF HELP, INC.; WARWICK COMMUNITY ACTION, INC.; SOUTH COUNTY COMMUNITY ACTION, INC. and any successors and assigns thereof approved by the Corporation. The cities and towns served by each CAP Agency are set forth in Schedule I attached to and made a part of these Rules and Regulations.~~
- ~~2.1.6 "Corporation" means Rhode Island Housing and Mortgage Finance Corporation, a public corporation organized and existing under the Act.~~

- 2.1.7 ~~"EHTF Proceeds" means the net income earned from investment of the principal contained in the Emergency Housing Trust Fund and any other funds, including funds from the State of Rhode Island, to be used for temporary emergency housing assistance, less expenses of the Corporation incurred in administering the Program.~~
- 2.1.8 ~~"Emergency Housing Trust Fund" means that certain \$3 million fund heretofore authorized by the Board of Commissioners, the net income of which is used for emergency housing purposes. The board of commissioners may at any time and from time to time reduce the principal amount of the Emergency Housing Trust Fund or increase the same from any source permitted by law.~~
- 2.1.9 ~~"Household" means an individual or group of individuals that share common living facilities within the State of Rhode Island and who, by satisfying the Income Guidelines and Need Threshold limits of the Program, qualify for Temporary Emergency Housing Assistance Payments as hereinafter provided.~~
- 2.1.10 ~~"Household Income" means the aggregate of the adjusted gross incomes for federal tax purposes of each individual residing in a Household, including the spouse and any blood relative, for a 12 month period (the "12 Month Household Income") prior to the date of Application (as hereinafter defined) and for the ninety (90) day period (the "90 Day Household Income") immediately preceding the date of Application. The prior 12 month period shall be the calendar year preceding the date of the Application except in cases where no federal income tax return has been filed because the Application was submitted between January 1 and April 15 in which case the prior calendar year's Household Income may be used. Neither the 12 Month Household Income nor 90 Day Household Income may exceed those limits set forth in Section 3.2.1 of these Rules and Regulations.~~
- 2.1.11 ~~"Program" means the Corporation's program of providing Temporary Emergency Housing Assistance Payments to Households through the CAP Agencies. physical buildings and property used by an Eligible Shelter for shelter purposes which is in existence as of the date of a Notice of Granting Cycle.~~
- 2.1.12 ~~"Temporary Emergency Housing Assistance Payment" means a payment by a CAP Agency to a Household which may be used by such Household for the purposes set forth in Section 3.2.3 of these Rules and Regulations.~~

### ~~SECTION 3. ALLOCATIONS; ELIGIBLE HOUSEHOLDS~~

3.1 ~~Allocation of EHFT Proceeds Among CAP Agencies. From time to time the Corporation shall establish such allocation periods as are deemed necessary by the Board of Commissioners. Prior to the establishment of an allocation period, the Corporation shall project the amount of EHFT Proceeds that will be available for distribution among the CAP Agencies during such period. The Corporation shall allocate EHFT Proceeds among the CAP Agencies in accordance with the following formula: There shall be determined for each city and town the total number of families whose incomes fall below the poverty level as established in the "Detailed Population Characteristics - Rhode Island published and amended from time to time by the United States Department of Commerce - Bureau of Census. The number so obtained shall be multiplied by a fraction, the numerator of which shall be the median gross residential rent for such city or town as set forth in the "Detailed Characteristics of Housing - Rhode Island" published by the United States Department of Commerce - Census of Housing as amended from time to time and the denominator of which shall be the median gross residential rent so established determined on a state-wide basis. (The resulting number is hereinafter referred as the "Adjusted Families Below Poverty Level"). The Adjusted Families Below Poverty Level shall be divided by the aggregate of Adjusted Families Below Poverty Level determined statewide. The aggregate of such percentages so determined for each city and town served by a CAP Agency shall be the percentage of EHFT Proceeds to allocated to such CAP Agency. Notwithstanding the foregoing, the Corporation may at any time (i) reallocate among the other CAP Agencies all or any part of any allocation to a CAP Agency or (ii) establish a new allocation formula. The Corporation shall deliver written notice to the CAP Agencies of any such change or reallocation.~~

~~3.2 Eligible Households. A household shall make Application for Temporary Emergency Housing Assistance payments to the CAP Agency serving the city or town in which such Household is located. Applications shall be approved by CAP Agencies only if the applicant satisfies the Income Guidelines and Need Threshold Limits established hereunder.~~

~~3.2.1 Income Guidelines. The 90 Day Household Income of a Household shall not exceed the 90 day income limits established by the Federal Department of Health and Human Services ("FDHS") under the Home Energy Assistance Program ("HEAP") as the same may be revised from time to time. In addition, the 12 month Household Income of a Household shall not exceed the Rhode Island statewide median income limits, adjusted for family size (the "Statewide Median Income"), as established by the United States Department of Housing and Urban Development, Office of Economic Affairs, Economic and Market Analysis Division ("HUD"), as the same may be revised from time to time. In the event HEAP limits are no longer in use or are no longer available, the Corporation may establish new 90 Day Household Income requirements which shall not exceed sixty percent (60%) of the then prevailing Stateside Median Income adjusted to reflect a period of 90 days rather than one year. The following chart sets forth the applicable 12 Month Household Income guidelines and 90 Day Household Income guidelines in effect unless and until revised by HUD and FDHS, respectively.~~

<del>Number of Individuals Residing in Household</del>	<del>Household Income May Not Exceed These Amounts During Applicable 12 Month Period Prior to Application</del>	<del>Household Income May Not Exceed These Amounts During 90 Day Period Immediately Preceding Date of Application</del>
<del>1</del>	<del>\$21,800</del>	<del>\$2,467</del>
<del>2</del>	<del>\$25,000</del>	<del>\$3,226</del>
<del>3</del>	<del>\$28,100</del>	<del>\$3,985</del>
<del>4</del>	<del>\$31,200</del>	<del>\$4,744</del>
<del>5</del>	<del>\$33,700</del>	<del>\$5,503</del>
<del>6</del>	<del>\$36,200</del>	<del>\$6,255</del>
<del>7</del>	<del>\$38,700</del>	<del>\$6,404</del>
<del>8</del>	<del>\$41,200</del>	<del>\$6,597</del>
<del>9</del>	<del>\$41,200</del>	<del>\$6,689</del>
<del>10</del>	<del>\$41,200</del>	<del>\$6,831</del>
<del>11</del>	<del>\$41,200</del>	<del>\$6,974</del>
<del>12</del>	<del>\$41,200</del>	<del>\$7,116</del>

~~3.2.2 Need Threshold Limitations: Proof of Temporary Emergency Housing Crisis. EHTF Proceeds may be made available to Households or to third parties on behalf of a Household solely to meet a temporary emergency housing crisis. A temporary emergency housing crisis means a threatened or actual loss of housing because of (i) sickness or disability, (ii) loss of job, (iii) damage or destruction to a Household dwelling because of fire or elements, or (iv) such other events or circumstances deemed by a CAP Agency and approved by the Corporation as creating a temporary emergency housing crisis. Where the Household applicant is a tenant and the housing crisis has arisen because of sickness or disability or loss of job, a "threatened loss of housing" shall be evidenced by a Five Day Demand Notice For Non-Payment of Rent pursuant to R. I. Gen. Laws § 34-18-35 duly signed by the landlord. Where the Household applicant owns his or her home and the housing crisis has arisen as a result of sickness or disability or loss of job, a "threatened loss of housing" shall be evidenced by a "notice of default" in the payment of amounts due under the mortgage securing such home or other similar notice duly signed by the mortgagee. Each CAP Agency shall obtain such other evidence, certifications, affidavits and verifications~~

~~as shall be necessary to protect against collusion and fraud against the Corporation and such CAP Agency by landlords, mortgagees and applicants in determining whether a "threatened loss of housing" exists.~~

~~3.2.3 Types of Expenditures for which EHTF Proceeds Shall be Used. EHTF Proceeds shall be used only to pay rent, to make payments on an outstanding mortgage, to pay a security deposit for a leasehold or for any combination thereof.~~

~~3.2.4 Repayment of EHTF Proceeds to CAP Agencies. A CAP Agency may, in its sole discretion, require a Household to reimburse such CAP Agency, in whole or in part, for any Temporary Emergency Housing Assistance Payments made to such Household or in its behalf.~~

~~3.2.5 Assistance Provided. The maximum amount of assistance to be provided to any one Household shall be Six Hundred Dollars (\$600) per month for a period not to exceed two (2) months. No Household shall be eligible to submit an Application for additional EHTF Proceeds less than twelve (12) months after the date of the last Temporary Emergency Housing Assistance Payment to such Household. Not more than one adult individual residing in a Household shall submit an Application to a CAP Agency for Temporary Emergency Household Assistance Payment on behalf of a Household.~~

#### ~~SECTION 4. PROGRAM MONITORING AND ENFORCEMENT~~

##### ~~4.1 Agreement between CAP Agencies and Corporation.~~

~~Prior to receiving an allocation of EHTF Proceeds, each CAP Agency shall enter into an agreement with the Corporation which shall set forth the amount of such CAP Agency's allocation, methods of accounting and disbursement of EHTF proceeds by the Corporation to such CAP Agency, monitoring obligations and requirements, obligations on the part of the CAP Agency to provide to the Corporation statistical data and reports with respect to the Program and such other terms and conditions as the Corporation may, in its sole discretion, require, including, without limitation, a right on the part of the Corporation to withdraw any EHTF proceeds committed to a CAP Agency that has violated the terms of such agreement or performed inadequately under such agreement. Such agreement may also establish a mechanism by which each CAP Agency may recoup and account for any Temporary Emergency Housing Assistance Payments made or to be made to a Household.~~

##### ~~4.2 Responsibility of CAP Agencies.~~

~~Each CAP Agency shall take such steps and require such documentation of applicants as shall be necessary to ensure that Households receiving Temporary Emergency Housing Assistance Payments satisfy the Income Guidelines and Need Threshold Limitations set forth in these Rules and Regulations.~~

##### ~~4.3 Reimbursement for Administrative Costs.~~

~~To the extent funds are not available from other sources, the Corporation may authorize each CAP Agency to use up to ten percent (10%) of an allocation for Administrative Costs.~~

#### ~~SECTION 5. MISCELLANEOUS~~

~~5.1 Remedies of Corporation. The Corporation may pursue any and all legal or equitable remedies against any person who (i) submits knowingly incomplete, false or fraudulent information with or on an Application, or (ii) aids or abets any person in the submission of any such knowingly incomplete, false or fraudulent information.~~

~~5.2 Notice of Address Change. Each CAP Agency shall notify the Corporation in writing within five (5) days after any change of address.~~

~~5.3 Use of Program Bulletins, Etc. The Corporation may, from time to time develop and issue such program bulleting, policy statements and procedural and operating manuals (collectively, "Program Guides") as shall be necessary to ensure even implementation of the Program among the CAP Agencies, provided such Program Guides shall not be inconsistent with these Rules and Regulations. Copies of all Program Guides shall be available for inspection at the principal office of the Corporation during the hours of 9:00 a.m. - 5:00 p.m. Mondays through Fridays, except holidays.~~

~~5.4 Termination of Program. The Corporation reserves the right to terminate the Program at any time.~~

SCHEDULE I

CITIES AND TOWNS SERVED BY CAP AGENCIES

1. ~~BLACKSTONE VALLEY COMMUNITY ACTION PROGRAM, INC.~~  
Central Falls  
Cumberland  
Lincoln  
Pawtucket
2. ~~TOCTA, INC.~~  
Woonsocket
3. ~~PROVIDENCE COMMUNITY ACTION PROGRAM, INC.~~  
Providence
4. ~~TRI-TOWN ECONOMIC OPPORTUNITY COMMITTEE~~  
Burrillville  
Glocester  
Johnston  
North Providence  
North Smithfield  
Smithfield
5. ~~CRANSTON COMMUNITY ACTION PROGRAM COMMITTEE, INC.~~  
Coventry  
Cranston  
Foster  
Scituate
6. ~~SELF-HELP, INC~~  
Barrington  
Bristol  
East Providence  
Warren
7. ~~WARWICK COMMUNITY ACTION, INC.~~  
East Greenwich  
Warwick  
West Greenwich
8. ~~SOUTH COUNTY COMMUNITY ACTION, INC.~~  
Charlestown  
Exeter  
Hopkinton  
Narragansett  
New Shoreham  
North Kingstown  
Richmond  
South Kingstown  
Westerly  
West Greenwich

9. ~~NEW VISIONS FOR NEWPORT COUNTY, INC~~

~~Jamestown~~

~~Little Compton~~

~~Middletown~~

~~Newport~~

~~Portsmouth~~

~~Tiverton~~