

PUBLIC NOTICE OF PROPOSED RULEMAKING

AGENCY: Rhode Island Housing and Mortgage Finance Corporation

DIVISION: None

RULE IDENTIFIER: ERLID #7732

REGULATION TITLE: Rules and Regulations of the Corporation Applicable to the Homeless Facility Improvement and Operating Deficit Fund 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 Homeless Facility Improvement and Operating Deficit Fund Program was originally intended to provide grant funding for facilities serving homeless single adults and homeless families. The program has 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

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

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 #7732 in its entirety:

~~RHODE ISLAND HOUSING AND MORTGAGE FINANCE CORPORATION~~
~~RULES AND REGULATIONS OF THE CORPORATION~~
~~APPLICABLE TO~~
~~THE HOMELESS FACILITY IMPROVEMENT AND OPERATING DEFICIT FUND~~
~~PROGRAM~~

~~SECTION 1. PROGRAM PURPOSES AND OBJECTIVES~~

~~Rhode Island Housing and Mortgage Finance Corporation ("Rhode Island Housing") hereby promulgates rules and regulations (the "Regulations") governing the Homeless Facility Improvement and Operating Deficit Fund Program (the "Program"). The purpose of the Program is to provide grant funding for facilities serving homeless single adults and homeless families and to provide emergency funding for a current fiscal year operating deficit.~~

~~SECTION 2. DEFINITIONS~~

- ~~2.1. As used in these Rules and Regulations:~~
- ~~2.1.1. "Program" means the Homeless Facility Improvement and Operating Deficit Fund Program as set forth in these Rules and Regulations.~~
- ~~2.1.2. "Rhode Island Housing" means Rhode Island Housing and Mortgage Finance Corporation.~~
- ~~2.1.3. "Board" means the Board of Commissioners of Rhode Island Housing.~~
- ~~2.1.4. "Executive Director" means the Executive Director of Rhode Island Housing or his/her designee.~~
- ~~2.1.5. "Eligible Applicant" means any Rhode Island based organization exempt from state and federal income taxation which has as one of its organizational purposes the provision of providing housing homeless adults and families and/or supportive services for homeless adults and families.~~
- ~~2.1.6. "Homeless Facility" means emergency housing provided for a short term period, generally expected to not exceed 6 months. Homeless Facilities may provide night to night or full time residence, may be congregate or apartment based, may provide supportive services for homeless adults and families but cannot be intended as transitional or permanent housing for the individuals or families.~~
- ~~2.1.7. "Committee" means a committee of Corporation staff formed for the purpose of evaluating applications to the Program.~~

~~SECTION 3. PROGRAM REQUIREMENTS~~

- ~~3.1. Eligible Uses of Funding~~
~~Eligible uses of the funds include:~~

- ~~3.1.1. Rehabilitation or new construction to meet health and safety needs or to substantially improve the delivery of supportive services;~~
- ~~3.1.2. Improvements to ensure a lead safe environment for families and/or visiting children;~~
- ~~3.1.3. Upgrades to comply with occupancy, maintenance and fire codes;~~
- ~~3.1.4. Address deferred maintenance;~~
- ~~3.1.5. Retrofit interior or exterior space to meet program needs;~~
- ~~3.1.6. Make the facility accessible to disabled persons;~~
- ~~3.1.7. Modernization of obsolete facilities;~~
- ~~3.1.8. Purchase of equipment and furnishings to serve existing residents; and~~
- ~~3.1.9. Emergency operating payments to cover a deficit in current fiscal years operations.~~

~~3.2. Ineligible Uses of Funding~~

~~Program funding may not be used for:~~

- ~~3.2.1. Acquisition /new construction of transitional, permanent supportive housing or shelter sleeping facilities.~~

~~3.3. Minimum Standards for Rehabilitation~~

- ~~3.3.1. Eligible Applicants must include in their proposal all repairs required to bring the Homeless Facility into compliance with all relevant health, safety and housing codes, including lead safe certification for shelters serving children.~~

~~3.4. Application Process~~

- ~~3.4.1. A Request for Proposals (RFP) will be issued subject to funding availability.~~
- ~~3.4.2. Applications shall meet the specifications of the RFP and include at a minimum;~~
 - ~~(i) The name, address, telephone number, fax number, email address and taxpayer identification number of the Eligible Applicant.~~
 - ~~(ii) A resolution of the Board of Directors or other governing body of the Eligible Applicant authorizing submission of the Proposal.~~
 - ~~(iii) A description of the population served by the facility, services provided, and monthly occupancy for the past twelve months if applicable.~~
 - ~~(iv) A description of the current facility condition and need for rehabilitation work.~~

- ~~(v) A description of proposed rehabilitation work including all repairs needed to bring the Homeless Facility into compliance with all relevant health, safety and housing codes, including lead safe certification for a Homeless Facility serving children.~~
- ~~(vi) A proposed budget and schedule for rehabilitation work.~~
- ~~(vii) A current year operating budget demonstrating an operating deficit for the current fiscal year.~~
- ~~(viii) Description of how the improvements will substantially improve the delivery of supportive services.~~

~~3.4.3. A Committee of Rhode Island Housing staff will review applications with priority given to proposals that;~~

- ~~(i) Address problems affecting the health or safety of residents;~~
- ~~(ii) Bring to lead safe certification standards Shelters serving children and families, or;~~
- ~~(iii) Bring a facility into compliance with occupancy, maintenance or fire codes.~~
- ~~(iv) Substantially improve the delivery of supportive services to homeless individuals and families.~~

~~3.4.4. Funds will be awarded by the Board based on the Committee's recommendations.~~

~~SECTION 4. WAIVER~~

~~4.1. Upon a determination and finding of Good Cause, the Corporation may waive any provision of the Regulations. Good Cause includes facts or circumstances where the granting of a waiver (i) would not pose an undue financial risk to the Corporation, (ii) is necessary to carry out the purposes of the Homeless Facility Improvement and Operating Deficit Fund Program, and (iii) is consistent with the mission of the Corporation. Each waiver must be in writing and must be supported by documentation of the pertinent facts and circumstances.~~