

RULES OF RHODE ISLAND HOUSING AND
MORTGAGE FINANCE CORPORATION
ADOPTED PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT

I. INTRODUCTION

Rhode Island Housing and Mortgage Finance Corporation (the "Corporation") is a public corporation of the State, having a distinct legal existence from the State and not constituting a department of the State government. The Corporation has the public and corporate powers set forth in Section 42-44-4 of the General Laws of Rhode Island of 1956, as amended.

Rhode Island General Laws Section 42-35-1 (the "Administrative Procedures act") requires that each Agency, such as the Corporation, adopt Rules (a) describing its organization, (b) stating the course and method of its operations, (c) stating methods whereby the Public may obtain information or make submissions or requests, and (d) setting forth the nature and requirements for all formal and informal procedures available, including a description of all forms and instructions used by the Agency.

The purpose of these Rules is to fulfill the requirements of the Administrative Procedures Act by promulgating such Rules and making them available for public inspection.

II. DEFINITIONS

- A. "Act" shall mean the Rhode Island and Housing and Mortgage Finance Corporation Act, being Chapter 55 of Title 42 of the General Laws of the State of Rhode Island, of 1956, as amended.
- B. "Administrative Procedures Act" shall mean the Administrative Procedures Act, being Chapter 35 of Title 42 of the General Laws of the State of Rhode Island of 1956, as amended.
- C. "Agency" shall mean each State board, commission, department, or officer, other than the legislature or the courts, authorized by law to make rules or to determine contested cases, and all authorities, as that term is defined in the Administrative Procedures Act at Section 42-35-1(b).
- D. "Business Hours" shall mean from 8:30 o'clock a.m. to 5:00 o'clock p.m. on any regular business day of the Corporation.
- E. "Corporate Office" shall mean 44 Washington Street, Providence, Rhode Island 02903.
- F. "Corporation" shall mean Rhode Island Housing and Mortgage Finance Corporation, a public corporation created pursuant to and existing under by the Act.
- G. "Executive Director" shall mean the Executive Director of Rhode Island Housing and Mortgage Finance Corporation.
- H. "Public" shall mean any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character.
- I. "Public Records" shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business of the Corporation deemed public under Chapter 2 of Title 38 of the Rhode Island General Laws.
- J. "Rule" shall mean each Agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice requirement of any agency. The term includes the amendment or repeal of a prior rule, but does not include (1) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the Public, to (2) declaratory rulings, or (3) intra-agency memorandum.
- K. "State" shall mean the State of Rhode Island and Providence Plantations.

III. STATEMENT OF ORGANIZATION

The power of the Corporation is vested in seven (7) commissioners; consisting of the director of administration, or his designee, the general treasurer, or his designee, the director of business regulation, or his designee and four (4) members appointed by the governor with the advice and consent of the senate who are experienced in all aspects of housing design, development, finance, management and state and municipal finance. The governor appoints a member annually to succeed the members whose term then expires to serve for a term of four (4) years commencing on the first day of July then next following and until his successor is appointed and qualified. A member is eligible to succeed himself. The governor designates a member of the Corporation to serve as chairman. Any member of the Corporation may be removed by the governor for misfeasance, malfeasance or willful neglect of duty.

The commissioners elect from among their number a vice-chairman annually and such other officers as they may determine. Meetings are held at the call of the chairman or whenever two (2) commissioners so request. Four (4) commissioners of the Corporation constitute a quorum and any action taken by the Corporation under the provisions of the Act may be authorized by resolution approved by a majority but not less than three (3) of the commissioners present at any regular or special meeting. A vacancy in the membership of the Corporation does not impair the right of a quorum to exercise all the rights and perform all the duties of the Corporation.

Commissioners receive no compensation for the performance of their duties but each such commissioner is reimbursed for his or her reasonable expenses incurred in carrying out his or her duties under the Act.

The commissioners employ the executive director who is also the secretary and who administers, manages and directs the affairs and business of the Corporation, subject to the policies, control and direction of the commissioners.

The commissioners may employ technical experts and other officers, agents and employees, permanent and temporary and fix their qualifications, duties and compensation. The executive director and such other persons so employed are not subject to the provisions of the classified service. The board of commissioners may delegate to one or more of its agents or employees such administrative duties as it may deem proper.

The secretary keeps a record of the proceedings of the Corporation and is the custodian of all books, documents and papers filed with the Corporation and of its minute book and seal. He has authority to cause to be made copies of all minutes and other records and documents of the Corporation and to give certificates under the seal of the Corporation to the effect that such copies are true copies and all persons dealing with the Corporation may rely upon such certificates.

Before entering into his duties, each commissioner of the Corporation executes a surety bond in the penal sum of Fifty Thousand Dollars (\$50,000) and the executive director executes a surety bond in the penal sum of One Hundred Thousand Dollars (\$100,000) or, in lieu thereof, the chairman of the Corporation executes a blanket bond covering each commissioner, the executive director and the employees or other officers of the Corporation, each surety bond to be conditioned upon the faithful performance of the duties of the office or officers covered, to be executed by a surety company authorized to transact business in this state as surety and to be approved by the attorney general and filed in the office of the secretary of state. The cost of each such bond is paid by the Corporation.

IV. COURSE AND METHOD OF OPERATION

The Corporation was created to (a) encourage the investment of private capital and stimulate the construction and rehabilitation of residential housing and health care facilities through the use of public financing, (b) to provide construction and mortgage loans and (c) otherwise to ensure safe residential and health care facilities for low income people of the State.

V. PUBLIC RECORDS

Members of the Public who desire to secure Public Records from any of the departments of the Corporation may do so in accordance with the Rules of the Corporation Relating to Access to its Public Records, which Rules were adopted pursuant to the Administrative Procedures Act and are available for inspection by the Public at the Corporate office during its Business Hours.

- A. Department of Finance and Administration. The Department of Finance and Administration establishes and implements the comprehensive investment policy of the Corporation, reviews all bond issues of the Corporation, oversees the Corporation's internal accounting controls, determines long-term sources and uses of funds of the Corporation and analyzes the Corporation's existing loan portfolio for compliance with the Corporation's regulations, and state and federal law.
- B. Department of Homeownership Opportunity. The Department of Home-Ownership Opportunity implements and administers the Corporation's programs relating to singly-family housing.
- C. Department of Housing Management. The Department of Housing Management is responsible for the supervision of the management and maintenance of the multi-family mortgage loan portfolio financed by the Corporation.
- D. Department of Policy and Program Development. The Department of Policy and Program Development determines critical housing shortages, specialized housing needs and identifies income groups in need of housing assistance. This department establishes programs and policies which are implemented by other departments of the Corporation, and evaluates the present programs and compliance procedures of the Corporation.
- E. Department of Housing Development. The Department of Housing Development administers programs of the Corporation which are designed to promote the construction or rehabilitation of multi-family housing.

The Executive Director appoints the director of each of these departments.

To assist the Corporation in the discharge of its duties, an advisory committee is appointed by the governor from among interested citizens of the State. The advisory committee consists of fifteen (15) persons, including persons with experience or training in urban renewal, building, social work, mortgage finance, the municipal bond market, architecture, land use planning, economic development and municipal government. The advisory committee assists the Corporation in reviewing issues which are relevant to the Corporation's underlying goal of providing low and moderate income housing.

VI. PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL

No Member of the Public shall use information obtained from Public Records to solicit for commercial purposes or to obtain a commercial advantage over the party furnishing that information to the Corporation.

VII. DENIAL OF ACCESS AND ADMINISTRATIVE APPEALS

- A. Any member of the Public may petition the Corporation to promulgate, amend, or repeal any of its Rules.
- B. Where the petition requests the promulgation of a Rule, the petitioner must set out in full the proposed Rule. The petition must include the reasons for the requested Rule, together with briefs of any applicable law supporting the request. All such petitions must be submitted to the Corporate Office on the form attached hereto as Exhibit "A".
- C. Where the petition requests the amendment of a Rule presently in effect, the petitioner must set out the Rule or portion of the Rule in question, along with the suggested

amendment. The petition must include the reasons for the amendment. All such petitions must be submitted to the Corporate Offices on the form attached hereto as Exhibit "B".

- D. Where the petition requests that a Rule presently in effect be repealed, the petitioner must set out the Rule or portion of the Rule in question in its entirety. The petition must include a statement in support of the repeal. All such petitions must be submitted to the Corporate Office on the form attached hereto as Exhibit "C".
- E. Upon submission of any petition, the Corporation will within thirty (30) days, either deny the petition in writing (stating its reasons for such denial) or initiate rulemaking proceedings in accordance with the Administrative Procedures Act.

VIII. DECLARATORY RULINGS

Where a member of the Public alleges that a Rule of the Corporation or its threatened application impairs or threatens to interfere with or impair, his legal rights and privileges, the member of the Public may petition the Corporation for a declaratory ruling as to the applicability of any such Rule. All such petitions must be submitted to the Corporate Office on the form attached hereto as Exhibit "D".

The Corporation shall consider the petition and within a reasonable time shall:

- A. Issue a non-binding declaratory ruling;
- B. Notify the petitioning party that no declaratory ruling shall be issued; or
- C. Set a reasonable time and place for hearing argument upon the matter, and give reasonable notification to the petitioner of the time and place for such hearing and of the issues involved. Within a reasonable time after the completion of such a hearing, the Corporation shall issue a binding declaratory ruling, issue a non-binding declaratory ruling, or notify the petitioner that no declaratory ruling shall be issued.

Any notification that a requested declaratory ruling shall not be issued shall contain a concise statement of the principal reasons for the denial.

EXHIBIT "A"

PETITION FOR PROMULGATION OF RULE(S)

BY

RHODE ISLAND HOUSING AND
MORTGAGE FINANCE CORPORATION

DATED:

A. INFORMATION RELATING TO PETITIONER

Name:

Address:

Telephone Number:

B. DESIRED RULE

Set forth in the space provided below or on an attached sheet, if necessary, the Rule you are requesting in its entirety.

C. REASONS FOR RULE

Set forth in the space provided below or on an attached sheet, if necessary, the reasons for the Rule, including a statement as to the interest of the petitioner in the subject matter of the Rule.

Witness:

Petitioner

FOR USE BY RHODE ISLAND HOUSING
AND MORTGAGE FINANCE CORPORATION ONLY

DATE RECEIVED: _____

EXHIBIT "B"

PETITION FOR AMENDMENT OF RULE(S)

BY

RHODE ISLAND HOUSING AND
MORTGAGE FINANCE CORPORATION

DATED:

A. INFORMATION RELATING TO PETITIONER

Name:

Address:

Telephone Number:

B. RULE IN QUESTION

Set forth in the space provided below or on an attached sheet, if necessary, the Rule you wish to amend in its entirety.

C. PROPOSED AMENDMENT

Set forth in the space provided below or on an attached sheet, if necessary, the amendment. Underscore any new or added words, phrases, or sentences. Strike through any deleted words, phrases or sentences.

D. REASONS FOR AMENDMENT

Set forth in the space provided below or on an attached sheet, if necessary, the reasons for the Amendment, including a statement as to the interest of the petitioner in the subject matter of the Rule.

Witness:

Petitioner

FOR USE BY RHODE ISLAND HOUSING
AND MORTGAGE FINANCE CORPORATION ONLY

DATE RECEIVED: _____

EXHIBIT "C"

PETITION FOR REPEAL OF RULE(S)

BY

RHODE ISLAND HOUSING AND
MORTGAGE FINANCE CORPORATION

DATED:

A. INFORMATION RELATING TO PETITIONER

Name:

Address:

Telephone Number:

B. RULE IN QUESTION

Set forth in the space provided below or on an attached sheet, if necessary, the Rule you request be repealed in its entirety.

C. REASONS FOR REPEAL

Set forth in the space provided below or on an attached sheet, if necessary, the reasons for the repeal, including a statement as to the interest of the petitioner in the subject matter of the Rule.

Witness:

Petitioner

FOR USE BY RHODE ISLAND HOUSING
AND MORTGAGE FINANCE CORPORATION ONLY

DATE RECEIVED: _____

EXHIBIT "D"

PETITION FOR DECLARATORY RULING

BY

RHODE ISLAND HOUSING AND
MORTGAGE FINANCE CORPORATION

DATED:

A. INFORMATION RELATING TO PETITIONER

Name:

Address:

Telephone Number:

B. IDENTIFICATION OF RULE

C. REASONS FOR PETITION

Set forth in the space provided below or on an attached sheet, if necessary, the reasons for the Petition, including a statement of how the application of the Rule or its threatened application impairs or threatens to interfere or impair your legal rights.

I hereby request that the Rhode Island Housing and Mortgage Finance Corporation review the applicability of the above-referenced Rule.

Witness:

Petitioner

FOR USE BY RHODE ISLAND HOUSING
AND MORTGAGE FINANCE CORPORATION ONLY

DATE RECEIVED: _____