

825-RICR-10-00-1

TITLE 825 - HOUSING AND MORTGAGE FINANCE CORPORATION

CHAPTER 10 - RULES RELATIVE TO AGENCY ADMINISTRATION

SUBCHAPTER 00 - N/A

PART 1 - Administrative Procedures

1.1 AUTHORITY

This regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws §§ 42-35-2(a)(4), 42-35-6, and 42-35-8.

1.2 PURPOSE

To set forth Rhode Island Housing and Mortgage Finance Corporation's (the "Corporation's") procedures to petition for the promulgation of rules, to petition for a declaratory order, and to conduct public hearings.

1.3 DEFINITIONS

- A. All capitalized terms used herein shall have the same meanings as set forth in the Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.* (the "Act").
- B. "Person" means any individual, partnership, corporation, association, the department of environmental management, governmental subdivision, or public or private organization of any character other than an agency.
- C. "Petition" means a written request.
- D. "Petitioner" means a Person submitting a Petition.

1.4 PETITION FOR PROMULGATION OF RULES

- A. A Petition for the promulgation of a rule must be in writing and include the following information:
 - 1. The name and address of the Petitioner;
 - 2. A plain statement identifying the rule or proposed new rule at issue;
 - 3. A detailed statement of all facts relied upon by the Petitioner;

4. A copy of any and all documents relied upon by Petitioner that are not otherwise accessible to the Corporation; and
5. A plain statement requesting the promulgation of a rule, and further indicating whether Petitioner seeks a new rule or the amendment or repeal of an existing rule.
 - a. In the case of a request for promulgation of a new rule or the repeal of an existing rule, the Petitioner shall identify the rule by title and/or RICR citation.
 - b. In the case of a request for an amendment to an existing rule, the Petitioner must identify with specificity the proposed language to be added or removed by redlining or similar means.
- B. A request for the promulgation of a rule must be submitted to the Rules Coordinator by email to rulescoordinator@rihousing.com or by mail delivered to the Corporation's headquarters and addressed as follows: Rules Coordinator, Rhode Island Housing, 44 Washington Street, Providence, Rhode Island 02903, ATTN: Petition for Promulgation of Rules.
- C. Petitions that do not conform to the procedures in this section may be denied.

1.5 CONSIDERATION AND DISPOSITION OF PETITION FOR PROMULGATION OF RULES

- A. The Corporation shall promptly consider and respond to a Petition for the promulgation of a rule as provided in R.I. Gen. Laws § 42-35-6. Not later than thirty (30) days after submission of a Petition, the Corporation shall deny the Petition and state its reason for the denial; or initiate rulemaking.
- B. The Corporation may, at its discretion hold a public hearing for further consideration and discussion on the Petition; or request further information or documents from the Petitioner necessary for the full evaluation of his or her petition.
- C. The Corporation's final disposition is subject to judicial review. A Petitioner may appeal the Corporation's final disposition of a Petition for the promulgation of a rule as provided in R.I. Gen. Laws § 42-35-15.

1.6 PETITION FOR DECLARATORY ORDER

- A. A Petition for Declaratory Order must be in writing and include the following information:

1. The name and address of the Petitioner;
 2. A plain statement identifying the statute, rule, guidance document, or order at issue;
 3. A detailed statement of all facts relied upon by the Petitioner;
 4. A copy of any and all documents relied upon by Petitioner that are not otherwise accessible to the Corporation; and
 5. A plain statement requesting a Declaratory Order, and further indicating whether Petitioner seeks:
 - a. An interpretation or application of a statute administered by the Corporation;
 - b. Clarification as to whether a rule, guidance document, or order issued by the Corporation applies to Petitioner; and/or
 - c. Clarification as to how a rule, guidance document, or order issued by the Corporation applies to Petitioner.
- B. A request for a Declaratory Order must be submitted to the Rules Coordinator by email to rulescoordinator@rihousing.com or by mail delivered to the Corporation's headquarters and addressed as follows: Rules Coordinator, Rhode Island Housing, 44 Washington Street, Providence, Rhode Island 02903, ATTN: Petition for Declaratory Order.
- C. Petitions that do not conform to the procedures in this section may be denied.

1.7 CONSIDERATION AND DISPOSITION OF PETITION FOR DECLARATORY ORDER

- A. The Corporation shall promptly consider and respond to the request for Declaratory Order as provided in R.I. Gen. Laws § 42-35-8(c). Not later than sixty (60) days after receipt of a Petition, the Corporation shall:
1. Issue a declaratory order in response to the Petition. If the Corporation issues a Declaratory Order, the Corporation shall include the names of all parties to the proceeding, the facts on which it is based, and the reasons for the Corporation's conclusion in the order. The Corporation may redact confidential information in the order;
 2. Decline to issue the declaratory order. If the Corporation declines to issue a Declaratory Order, the Corporation shall promptly notify the Petitioner in

writing of the decision and include a brief statement of the reasons for declining; or

3. Schedule the matter for further consideration. If the Corporation schedules the matter for further consideration, the Corporation shall notify Petitioner in writing of the anticipated date on which the Corporation will grant or deny the Petition for Declaratory Order.
- B. The Corporation may, at its discretion hold a public hearing for further consideration and discussion on the Petition; or request further information or documents from the Petitioner necessary for the full evaluation of his or her petition.
- C. The Corporation's final disposition is subject to judicial review. A Petitioner may appeal the Corporation's final disposition of a Petition for Declaratory Order as provided in R.I. Gen. Laws § 42-35-15.

1.8 PROCEDURE FOR CONDUCT OF PUBLIC HEARINGS

- A. Convening of Public Hearing.
1. Public hearings may be held at the election of the Corporation or as required pursuant to R.I. Gen. Laws § 42-35-2.8(c).
 2. Notice of public hearings shall be issued in accordance with the provisions of R.I. Gen. Laws § 42-35-2.8 and 42-46-6, when applicable.
 3. Public hearings shall be held at a time and place designated by the Corporation.
- B. Transcription.
1. Public hearings shall be transcribed by a stenographer or audio recorded (if required by law).
 2. For public hearings, any official transcript, recording, or memorandum summarizing presentations prepared by a Corporation official shall be made part of the rulemaking record in accordance with R.I. Gen. Laws § 42-35-2.3(b)(5).
- C. Testimony.
1. Oral Testimony. A Person may make oral testimony during a public hearing. A Person who wishes to make oral testimony during a public

hearing must put their name on the speaker list. A Person will be called to testify in the order which their names appear on the speaker list.

2. Written Testimony. Written testimony must be submitted to the Rules Coordinator by email to rulescoordinator@rihousing.com or by mail delivered to the Corporation's headquarters and addressed as follows:
Rules Coordinator, Rhode Island Housing, 44 Washington Street,
Providence, Rhode Island 02903, ATTN: Public Hearing Testimony.
- D. Disruptive Conduct. A Person attending a public hearing shall not cause disruptions, including but not limited to: screaming, loud noises, and disorderly gesticulations which interrupt or distract from the testimony of other Persons or from the ability of the Corporation to conduct a public hearing.

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