

860-RICR-00-00-4

TITLE 860 – HOUSING RESOURCES COMMISSION

CHAPTER 00 – N/A

SUBCHAPTER 00 - N/A

PART 4 – Rules and Regulations Governing the State Lead Hazard Reduction Program

4.1 Purpose

The Rhode Island Housing Resources Commission (the “Commission”), hereby promulgates Rules and Regulations (the “Regulations”) applicable to the Lead Hazard Reduction Program (“LHRP”). The primary purpose of the LHRP is to eliminate lead hazards in properties throughout the State. These Regulations set forth the method by which LHRP funds will be allocated.

4.2 Authority

The Commission serves as the lead state agency for housing programs and services, planning, education, technical assistance, and coordination of state projects and state financial assistance in accordance with R. I. Gen. Laws Ch. 42-128, [the Rhode Island Housing Resources Act of 1998](#). The Commission shall implement and put into full force and effect rules and regulations under the powers, duties, and responsibilities assigned to it by the Rhode Island Housing Resources Act ~~of 1998, R. I. Gen. Laws Ch. 42-128~~. This regulation is promulgated pursuant to the authority granted in R. I. Gen. Laws Ch. 42-35 *et seq.*, Administrative Procedures Act.

4.3 Applicability

The terms and provisions of these Regulations shall be liberally construed to permit the Commission to effectuate the purposes of state law, goals, and policies.

4.4 Regulations

A. Definitions

1. “AMI” means the area median income of the area, as determined by the United States Department of Housing and Urban Development, -adjusted for family size.

2. "Childhood lead poisoning" means a confirmed blood lead level ~~greater than or equal to~~ or greater than five (5) micrograms of lead per deciliter of whole blood (ug/dl) or as currently defined by the Lead Regulations.
3. "Commission" means the Rhode Island Housing Resources Commission, a public corporation organized and existing under the Act.
4. "Corporation" means the Rhode Island Housing and Mortgage Finance Corporation, a public corporation organized and existing under R.I. Gen. Laws Ch. 42-55, as amended.
5. "Department of Health" means the Rhode Island Department of Health.
6. "EBL" or "Elevated blood lead level" means a single blood lead test (capillary or venous) at or above 5 ug/dl, or as currently defined in the Rules and Regulations for Lead Poisoning and Prevention as published by the Department of Health~~in the Lead Regulations~~.
7. "Lead regulations" means the Lead Poisoning Prevention (216-RICR-50-15-3) as published by the Department of Health and amended from time to time.
8. "Notice of violation" means a legal notice issued to the property owner by the Department of Health in accordance with R.I. Gen. Laws § 23-24.6 of the Lead Poisoning and Prevention Act and/or a legal notice issued by the municipality in accordance with the~~R.I. Gen. Laws Chapter 425-24-17.3, Rhode Island of the~~ Housing Maintenance and Occupancy Code.
9. "State" means the State of Rhode Island.
10. "Super clean" means the cleaning of all surfaces in a unit, the access to the unit and obvious exterior hazards as a preventative measure. This cleaning reduces lead dust levels and addresses es minor lead hazards for children returning from hospitalization or units recommended by the Department of Health.-
11. 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. Allocation of Funds

1. Eligible Owners

- a. Eligibility for ~~Lead Hazard Reduction Program~~ HRP funds is primarily for private owners of owner occupied and/or rental housing units. Preference is given to units solely owned by an individual(s) or a nonprofit organization. Properties placed in receivership pursuant to court order due to lead hazards and foreclosed properties held by the Corporation are eligible for funding. Eligibility may also be considered for ~~CDCs (Community Development eCorporations)~~, ~~LLCs (Limited Liability Companies)~~ and State-owned properties (such as group homes).

2. Low Income Targeting

- a. Owners must fall within certain income guidelines or serve tenants who fall within certain guidelines in order to be eligible for ~~Lead Hazard Reduction Program~~ HRP funds. Owner-occupants or tenants of investor owned properties must have incomes that do not to exceed 120% of AMI.

3. Funding Terms

- a. Eligible owners will be provided deferred forgivable loans, payable at the time of sale or transfer of the property. The terms offered shall be as follows:

Applicant Status	-Term of Loan
Owner-occupants with income not exceeding 120% of AMI:	5 Years
Owner-occupants with tenant incomes not exceeding 120% of AMI:	5 Years
Investor-owners with tenant incomes not exceeding 120% of AMI:	10 Years

4. Priorities.

- a. Applications will be prioritized according to the following order:

- (1) Applicants owning units currently housing a child with childhood lead poisoning and/or who have received a Notice of Violation from the Department of Health and/or from the municipality.
- (2) Applicants owning units currently housing a child with an Elevated Blood Lead Level as defined by the Department of Health.
- (3) Properties placed in receivership pursuant to court order due to lead hazards.
- (4) Applicants owning units being used for home-based daycare or foster/adoptive care or kinship care.
- (5) Applicants owning units rented to families with Section 8 certificates or vouchers.
- (6) Non-profit rehabilitation projects that will provide housing to qualified tenants and new owners.
- (7) Applicants who are private owners of rental housing that reside in the property.
- (8) Applicants who are private owners of rental housing and who own less than 120 units.
- (9) Applicants owning single family housing with child(ren)_ and/or with a tenant who is pregnant.

5. Reservations

- ~~a. A yearly set aside of \$300,000 will be earmarked specifically for the homes of children who are hospitalized with childhood lead poisoning. The LHRP will rely on the Department of Health to identify these cases and provide LHRP information to the families. A Super Clean will be performed, if applicable, at no charge to the owner to prepare the home for the return of a hospitalized child. At the discretion of the Commission, income and ownership requirements may be waived for these units but a zero percent deferred loan will be placed on the property for the inspections and lead hazard reduction costs.~~
- a.b. A yearly set aside of \$200,000 will be earmarked specifically for homes for foster families and adoptive families. The LHRP will rely

on the Department of Children, Youth and Families to identify the homes needing lead hazard reduction assistance. Initial inspections will be paid from these funds. At the discretion of the Commission, income and ownership requirements may be waived for these units but a zero percent deferred loan will be placed on the property for the inspections and lead hazard reduction costs.

C. Eligible Activities

1. Eligible Activities

- a. Lead hazard control and reduction activities sufficient for making the property lead-safe. Such activities include, but, are not limited to, window replacement, door repair/replacement, painting, repair/replacement of components and soil remediation. Inspection services, relocation assistance and fees associated with processing applications are considered eligible activities. —
- b. Code Violations. In residential units, funds up to a maximum of \$3,000 per unit may be used to address code violations. The ~~Lead Hazard Reduction Program~~ may exceed the maximum per-unit limit in special circumstances where health and safety needs require additional resources.

D. Application Process

1. Threshold Requirements.

- a. Threshold requirements established for the receipt of LHRP funds are as follows:
 - (1) All proposed activities for which funding with ~~Lead Hazard Reduction Program~~ funds is requested must be eligible in accordance with § 4.4(C) of these Part.
 - (2) All applicants must be eligible entities as defined in §§ 4.4(B) (1) and (2) of these Part.

2. Submission of Applications for Funding.

- a. The Commission will announce its annual allocation of funds for the ~~Lead Hazard Reduction Program~~. The Corporation will begin accepting applications on a rolling basis. Applications will be processed in order of receipt using the priorities outlined in § 4.4(B) (4) of this Part.

3. Processing of Applications.

- a. Applications will be reviewed by Corporation staff to determine eligibility and identify priority applicants. The Corporation staff shall award funds.

4. Appeals.

- a. Applicants who are denied funding may appeal the decision to the Corporation's Executive Director or his/her designee.

E. Contents of the Application

1. Application Requirements.

- a. Applicants will be required to provide general property information, tax returns, lease and tenant information and other information necessary to determine eligibility. In addition, applicants will be required to agree to rent restrictions for a period of five (5) or tenfive (510) years following lead hazard reduction work. Credit worthiness and debt to income ratio will not be a determining factor in processing applications.

F. Program Administration

1. Inspection Process.

- a. Following approval of the application and authorization by the owner, the Corporation will order a comprehensive lead inspection of the property by a licensed environmental lead inspector.

2. Scope of Work.

- a. Corporation staff will work with property owners to develop an appropriate scope of work that addresses all identified lead hazards and health and safety hazards. An estimation of the cost of the work will be completed.

3. Contracting.

- a. Using the approved scope of work, Corporation staff will invite all Lead Hazard Reduction and Lead Safe Remodeler/Renovator Contractors approved to participate in the Lead Hazard Reduction Program to attend a walk-through of the property. Bids will be received by the Corporation, qualified according to the cost estimates and forwarded to the property owner for contractor

selection. The property owner and the selected contractor will be required to attend a closing at which time loan closing documents and a rehabilitation contract will be executed.

4. Relocation.

- a. Units will be vacated while the work is conducted and will remain vacant until successful clearance. Tenants in enrolled properties and foster care providers will be eligible for relocation assistance. Owner-occupants will be responsible for their own relocation needs.

5. Clearance Inspections.

- a. Following the completion of lead hazard reduction work, the contractor will be required to present a Lead-Safe Certificate to the Corporation and the property owner for each enrolled unit, common areas (if applicable) and the exterior.

G. Miscellaneous

1. Monitoring.

- a. To ensure compliance with these Regulations and the Lead Regulations, the Commission may conduct site visits and inspections and may require reports and information to document compliance with Lead Hazard Reduction Program requirements.
- b. Corporation staff may conduct site visits from application through clearance.

2. Additional Requirements; Waiver of Requirements.

- a. The Commission reserves the right to waive any of the foregoing application requirements and to supplement any of the foregoing guidelines and requirements from time to time by program bulletin.