

CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, the following is a concise explanatory statement:

AGENCY: Rhode Island Executive Office of Housing

RULE IDENTIFIER: 310-RICR-00-00-5

RULE TITLE: Rules and Regulations for Governing the Implementation of an Approved Monitoring Agent Program

REASON FOR RULEMAKING:

The Rhode Island Executive Office of Housing (the “Agency”) has promulgated rules and regulations for the establishment, implementation and administration of the Monitoring Agent Program pursuant to R.I. Gen. Laws § 42-167-1, R.I. Gen. Laws § 45-53-3.2, R.I. Gen. Laws § 42-128, and R.I. Gen. Laws § 42-35.

ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE:

None.

TESTIMONY AND COMMENTS:

None.

CHANGE TO TEXT OF THE RULE:

The only language changed within the original rule was the changing of the governing body and administrator of the program from the discontinued Housing Resources Commission (HRC) to the Executive Office of Housing (EOH). Nothing substantive has changed.

REGULATORY ANALYSIS:

The Rhode Island Executive Office of Housing proposes to adopt rules and regulations regarding the governing of the implementation of the Monitoring Agent Program created under R.I. Gen. Laws § 42-167-1, R.I. Gen. Laws § 45-53-3.2, and R.I. Gen. Laws § 42-128. This analysis estimates the societal benefits and costs that result from the adoption of the proposed rule.

Pursuant to the Administrative Procedures Act (APA), R.I. Gen. Laws § 42-35-2.9, the Agency has conducted a regulatory cost/benefit analysis for the proposed regulation. This analysis shows that the proposed regulation has a low impact effect on the financial security of society at large and will not financially affect small businesses within the State of Rhode Island. There will be no financial damage to the State upon the adoption of the proposed Rule and regulation. The analysis examined the costs and benefits of the discretionary decisions made by the Agency.

Benefit/Cost Analysis

Background

In 2022, the HRC established the Rules and Regulations for the Monitoring Agent Program (the “Program”) established pursuant to R.I. Gen. Laws § 45-53-3.2 for municipally subsidized housing developments. The Program required the HRC to promulgate regulations for the establishment of a process for the selection and approval of Monitoring Agents including, but not limited to, establishing terms of engagement, standards for approval and recertification, reporting requirements, and minimum qualifications for approved Monitoring Agents.

Regulatory Development

The Act was passed on July 1, 2022. The HRC managed the program from 2022 through 2025. In July 2025, § 42-53 was amended to § 42-53-3.2, which stated that the program would now be managed through the Executive Office of Housing and the HRC would be discontinued. Therefore, the Executive Office of Housing would need to adopt the former HRC’s regulations regarding the Program.

Benefit/Cost Analysis

Pursuant to the APA, R.I. Gen. Laws § 42-35-2.9(b)(1), the regulatory analysis must include “the benefits and costs of a reasonable range of regulatory alternatives.” As the Program will have little to no financial impact, the regulatory analysis of alternatives is not applicable.

General Assumption

There will be little to no financial impact on the State and its municipalities. The costs associated with the Program will be the responsibility of the developer that wishes to participate in the Program by establishing a project for affordable housing.

Conclusion

The proposed rules and regulations for the adoption of the Monitoring Agent Program regulations serve primarily to set out the requirements of the enabling legislation.