

480-RICR-00-00-1

TITLE 480 - STATE HOUSING APPEALS BOARD

CHAPTER 00 - N/A

SUBCHAPTER 00 - N/A

Part 1 - Access to Public Records

1.1 INTRODUCTION/PURPOSE

These Rules establish the procedures to be utilized by the State Housing Appeals Board ("SHAB") to comply with the Access to Public Records Act, as codified at R.I. Gen. Laws Chapter 38-2. These Rules shall be interpreted and applied in a manner to facilitate public access to SHAB's records.

1.2 DEFINITIONS

"SHAB" means the State Housing Appeals Board as created and empowered by the Low and Moderate Housing Income Act, Chapter 45-53 of the Rhode Island General Laws, as amended.

"Public Record" shall be interpreted consistent with the statutory definition codified at R.I. Gen. Laws § 38-2-2(4) of the Access to Public Records Act, as amended.

"Rules" means these regulatory provisions relating to the access to SHAB's public records, as promulgated and amended pursuant to the provisions of the Rhode Island Administrative Procedures Act.

1.3 DISCLOSURE OF PUBLIC RECORDS

All Public Records maintained or held by SHAB shall be subject to inspection and reproduction by the public in accordance with the provisions of the Access to Public Records Act and these Rules, unless otherwise exempted from disclosure by federal or state laws or by an order of a court of competent jurisdiction.

1.4 PROCEDURES TO REQUEST AND RECEIVE PUBLIC RECORDS

- A. A request to inspect, copy and/or receive SHAB's Public Records (the "Request") shall be directed to SHAB orally or in writing at its offices located at 44

Washington Street, Providence, RI, 02903, during SHAB's business hours of 8:30 a.m. – 5:00 p.m. SHAB shall not require a written request for readily available public information such as its meeting notices published under the Open Meetings Act, the minutes of its meetings or any rules or regulations that it has promulgated.

- B. The Chair of SHAB shall designate a member of SHAB or its administrative staff who shall review the Request and, with the advice of SHAB's Legal Counsel, determine whether each requested document constitutes a Public Record subject to disclosure.
- C. SHAB will undertake all reasonable efforts to respond to the Request within ten (10) business days of its receipt. If SHAB is unable to comply within this time frame, it shall inform the requesting party of the need to extend the response date by no more than thirty (30) business days and shall state the good cause necessitating the extended response period.
- D. SHAB shall not be obligated to produce for inspection or copy records which are not in its possession. If a Public Record is in storage and is therefore not available for inspection, SHAB shall inform the requesting party of this fact and make arrangements to retrieve the records as expeditiously as they may be made available.
- E. Any person or entity requesting copies of SHAB's Public Records may elect to obtain them in any and all media in which SHAB is capable of providing them. To the extent that SHAB maintains any Public Records in a computer storage system, it shall provide any data properly identified in a printout or other reasonable format, as requested.
- F. SHAB is not required to reorganize, consolidate, or compile data which is not maintained in the form requested at the time of the request to inspect Public Records, except to the extent that such Public Records are in an electronic format and SHAB would not be unduly burdened producing such data.
- G. The Chair's designee may restrict access to specified times and days, consistent with these Rules, if it is determined that this is reasonably necessary or appropriate to prevent unnecessary disruption of SHAB's work.

1.5 COSTS

- A. SHAB shall charge fifteen cents (.15) per copied page of written documents provided to the public.

- B. SHAB shall also charge fifteen dollars (\$15.00) per hour for the costs of search and retrieval of documents. However, no costs shall be charged for the first hour of a search or retrieval.
- C. SHAB shall provide an estimate of the costs to comply with a request for documents prior to producing copies of Public Records.
- D. Upon request, SHAB shall provide a detailed itemization of the costs charged for search and retrieval.

1.6 DENIAL OF ACCESS AND ADMINISTRATIVE APPEALS

- A. If SHAB has denied access to any record or redacted portions of any record on the basis that the information is not subject to public disclosure, it shall provide a written explanation of the specific reasons for its determinations. Such writing shall be completed within the time periods prescribed by § 1.4(c) of this Part above.
- B. Any person or entity, who has been denied access to any record of SHAB or portion thereof, may petition SHAB's Chair for a review of the determinations made by his or her designee. SHAB's Chair shall make a final written ruling within ten (10) business days after the submission of the review petition. All petitions for review should be directed to the attention of SHAB's Chair at 44 Washington Street, Providence, RI, 02903.
- C. If SHAB's Chair determines that a record or portion thereof is not subject to public inspection, the person or entity may seek further legal remedies as permitted under the Access to Public Records Act, including the filing of a complaint to the Rhode Island Attorney General or a civil complaint in the Rhode Island Superior Court.

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Editorial Note: This Part was filed with the Department of State prior to the launch of the Rhode Island Code of Regulations. As a result, this digital copy is presented solely as a reference tool. To obtain a certified copy of this Part, contact the Administrative Records Office at (401) 222-2473.