

2011 -- H 5479

=====  
LC01439  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

-----  
A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING  
AND MORTGAGE FINANCE CORPORATION

Introduced By: Representatives Kennedy, San Bento, E Coderre, McNamara, and Naughton

Date Introduced: March 02, 2011

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings. - (a) The general assembly hereby finds and declares  
2 that:

3 (1) All Rhode Islanders, regardless of age or disability, want to live independently in the  
4 community or housing arrangement of their choice;

5 (2) The Medical Assistance – Long-Term Care Service and Finance Reform Act targeted  
6 goal "of spending fifty percent (50%) of Medicaid long-term care dollars on nursing facility care  
7 and fifty percent (50%) on home and community-based services", can only be accomplished if  
8 people with disabilities and the elderly are able to remain in the community;

9 (3) The lack of available, affordable and accessible housing for people with disabilities  
10 and the elderly prevent many Rhode Islanders from obtaining this goal;

11 (4) The use of home modifications provides people with disabilities and elders the  
12 opportunity to live and remain in the living environment of their choice;

13 (5) Accessibility features can assist an individual in completing daily living tasks as well  
14 as enhance opportunities for work, community or social events, and supportive services;

15 (6) Without necessary home modifications, many people feel isolated from the  
16 community and some are left with no choice but to move into a nursing home or institutional  
17 setting;

18 (7) Currently, in Rhode Island, there is limited funding for home modifications and the

1 funding that is available is difficult to identify and obtain;

2 (8) The implementation of a home modification revolving loan fund will provide loans  
3 for accessibility modifications to the residences, whether rentals or purchased homes, of people  
4 with disabilities and the elderly so they can remain active members of our society.

5 SECTION 2. Proposition to be submitted to the people. – At the general election to be  
6 held on the Tuesday next after the first Monday in November 2012, there shall be submitted to  
7 the people for their approval or rejection the following proposition:

8 "Shall the action of the general assembly, by an act passed at the January 2011 session,  
9 authorizing the issuance of bonds, refunding bonds, and temporary notes of the state in the  
10 amount of five million dollars (\$5,000,000) be approved, and the issuance of bonds, refunding  
11 bonds, and temporary notes authorized in accordance with the provisions of said act?"

12 SECTION 3. Ballot labels and applicability of general election laws. The secretary of  
13 state shall prepare and deliver to the state board of elections ballot labels for the project provided  
14 for in section 2 hereof with the designations "approve" or "reject" provided next to the description  
15 of each such project to enable voters to approve or reject each such proposition. The general  
16 election laws, so far as consistent herewith, shall apply to this proposition.

17 SECTION 4. Chapter 42-55 of the General Laws entitled "Rhode Island Housing and  
18 Mortgage Finance Corporation" is hereby amended by adding thereto the following section:

19 **42-55-31. Home modification revolving loan fund program for people with**  
20 **disabilities and the elderly.** – (a) There is created, as a separate fund within the treasury, the  
21 home modifications revolving loan fund for people with disabilities and the elderly. The fund  
22 shall consist of general obligation bonds and temporary notes approved by the people, any sums  
23 that the state may from time to time deem appropriate, as well as money received from donations,  
24 gifts, bequests, or otherwise from any public or private source, which money is intended for the  
25 purpose of making home modifications to the primary residence of persons who:

26 (1) Have a disability; or (2) Are age sixty-five (65) or older; or (3) Are the caregiver of a  
27 family member who has a disability who lives in the caregiver's primary residence, to allow such  
28 persons improved accessibility and/or an opportunity to live more independently in the  
29 community.

30 (b) The treasurer shall contract with the Rhode Island housing and mortgage finance  
31 corporation for the administration and disbursement of funding. The Rhode Island housing and  
32 mortgage finance corporation shall adopt rules and regulations in consultation with the  
33 department of elderly affairs, governor's commission on disabilities and Rhodes to independence  
34 consistent with the purposes of this section and the Administrative Procedures Act, chapter 35 of

1 this title, which provides for the orderly and equitable disbursement and repayment of funds.

2 (c) All funds placed in the home modifications revolving loan fund for people with  
3 disabilities and the elderly shall be made available to make loans to individuals, and landlords for  
4 the purpose of making modifications to the primary residence of persons who: (1) Have a  
5 disability; or (2) Are age sixty-five (65) or older; or (3) Are the caregiver of a family member  
6 who has a disability and lives in the caregiver's primary residence, to allow such persons to live  
7 more independently in the community and for necessary costs for the administration of the  
8 program.

9 (d) Loans made available under the provisions of this section may be made directly, or in  
10 cooperation with independent living centers, other public and private lenders, or any agency,  
11 department, or bureau of the federal government or the state.

12 (1) The loans pursuant to this section shall be available on the basis of a sliding scale  
13 relative to the homeowner's income and assets to the cost of the home modifications.

14 (2) Interest rates shall be means tested and may be determined pursuant to income  
15 standards developed by the director of the Rhode Island housing and mortgage finance  
16 corporation.

17 (3) Repayment of any loan pursuant to this chapter may be delayed until the sale of the  
18 principal residence by the homeowner.

19 (e) The proceeds from the repayment of any loans made for that purpose shall be  
20 deposited in and returned to the home modifications revolving loan fund for people with  
21 disabilities and the elderly to constitute a continuing revolving loan fund for the purposes  
22 provided in this section.

23 (f) Nothing contained herein shall be construed as giving rise to enforceable legal rights  
24 on entitlement to any services.

25 (g) The director of the Rhode Island housing and mortgage finance corporation shall  
26 submit annually reports to the general assembly detailing the status of the home modification  
27 revolving loan fund program.

28 (h) As used in this section the term:

29 (1) "Home modification" shall mean an adaptation to the physical living environment for  
30 ease of use, safety, security and/or to allow such persons to live more independently in the  
31 community;

32 (2) "Major life activities" include walking, talking, hearing, seeing, breathing, learning,  
33 performing manual tasks, and caring for oneself; and

34 (3) "Person who has a disability" shall mean a person who has a physical or mental

1 [impairment which substantially limits one or more of such person's major life activities.](#)

2           SECTION 5. Sections 1, 2, and 3 of this act shall take effect upon passage. As to section  
3 4, if a majority of the people voting on the proposition provided for in section 2 of this act shall  
4 vote to approve the proposition as to any project provided for in section 2 hereof, section 4 shall  
5 take effect upon approval of voters.

=====  
LC01439  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO STATE AFFAIRS AND GOVERNMENT - RHODE ISLAND HOUSING  
AND MORTGAGE FINANCE CORPORATION

\*\*\*

1           This act would establish a program of loan guarantees or interest subsidies within the  
2 Rhode Island housing and mortgage finance corporation for the purpose of making home  
3 modifications to the primary residence of persons who have a disability, or age 65 or older, or are  
4 the caregiver of a family member with a disability or age 65 or older; for the purpose of improved  
5 accessibility to allow such persons to live more independently in the community.

6           Sections 1, 2 and 3 of this act would take effect upon passage. As to section 4, if a  
7 majority of the people voting on the proposition provided for in section 2 of this act shall vote to  
8 approve the proposition as to any project provided for in section 2 hereof, section 4 would take  
9 effect upon passage.

=====  
LC01439  
=====