

Rhode Island Housing Resources Commission

Minutes of July 18, 2008

Quarterly Meeting

Susan Baxter, Chair, called the meeting of the RI Housing Resources Commission to order at 8:37 am in Conference Room A, One Capitol Hill, Providence, RI. Present were:

Commissioners & Designees:

Baxter, Susan – Chair

Aaronson, Roberta

Barge, Denise

Bodington, Susan

Cola, Jeanne

Evora, Michael

Fields, Barbara

Flynn, Kevin

Hammarström, David

Hannifan, Chris

Ippolito, Marcia McGair-for Coleman, Marcy

Kiesel, Marilyn

Kravitz, Tom

McGunagle, Joanne

Novais, Ana

O'Rourke, Steve

Ryczek, Jim

Tierney, Terence

Van Noppen, Mark

Walsh, Peter

Staff:

Costa, Maria

DeLos Santos, Doris

Kue, Simon

Neirinckx, Ray

Price, Darlene

Shawcross, Noreen

Tondra, Michael

Guests:

Ackley, Kent

Clement, Brenda

Comerford, David

DeMitri, Rosemary

1. Approval of May 16, 2008 Minutes

Steve O'Rourke made a motion to approve the minutes; Jim Ryczek seconded. Motion was passed.

2. Report of Chair:

Susan Baxter started the meeting by introducing newly appointed members to the Commission. Each new member gave a brief introduction of themselves.

- Denise Barge, Executive Director of the Minority Development Investment Corporation**
- Michael Evora, Executive Director of Commission on Human Rights**
- Joanne McGunagle, Executive Director of Comprehensive Community Action Program**

Ms. Baxter asked the Commissions to introduce themselves to the new members. A meeting in the future between Ms. Baxter and Ms. Noreen Shawcross with the new members will be scheduled to familiarize them with the roles and responsibilities of the commission.

Four members have been reappointed: Mark VanNoppen of RI Builders Association; Kathleen Bazinet of East Bay CDC; Roberta Hazen Aaronson of RI Childhood Lead Action Project (CLAP); and Kaveh Hajian, Representative of Homeless.

Three designees of department directors have retired so will no longer serve on the Commission. They are: Bob McDonough of DHS; Valarie Voccio of DBR; and Gene Nadeau of MHRH. Susan acknowledged their service.

Susan called attention to the new format of staff reports that includes one from the executive director that shows the extent of the staff activities.

A decision by the Supreme Court was disappointing pertaining to a ruling on lead companies.

DHS has notified over 1500 households that they will lose cash assistance as of August 1, 2008. This is a serious threat to housing stability and may impact on the HRC's work. Susan expressed some concern with DHS listing shelters as a resource for families coming off welfare.

A public hearing was held on the revised BHRI regulations that allow NOP and bond funds to be used in the same unit. We are using a single application, and merged the NOP & BHRI groups into a single review committee with Jeanne Cola as the chair.

The Office of Homeownership will be reactivated and Peter Walsh will serve as interim chair. The focus will be coordinating work on the foreclosure crisis. Meetings will be held once a month.

3. Resolution of Approve Funding: Building Homes RI Bond

A motion was made to approve a resolution to approve \$2,193,724 in Building Homes Rhode Island Bond funding available in FY 2009 for the following:

- Church Community Housing's Sandywood Farms in Tiverton-\$1,900,000 which has 50 rentals and 25 homeownership units. It's a smart growth development only building on about 15 acres on the 80 acre site. It will generate its own energy through solar and wind power.**
- Stop Wasting Abandoned Property's Trinity Place-\$293,724 a mixed use development that will include rental and homeownership at the junction of Broad and Elmwood in Providence.**

4. Resolution to Approve Publication of the Lead Hazard Mitigation Regulations

Noreen gave background information. This has been a 2 year process by the HRC to amend the rules to improve quality control. The April 2007 changes were legally challenged by some lead inspectors. The HRC have been working on revisions since October 2007, brought initial changes to the January 2008 HRC, held a public hearing, and requested action by the Commissioners in March 2008. Due to concerns with the process, action was delayed again for input by the Childhood Lead Action Project (CLAP) and members of the public. Following receiving further recommendations, we have brought the regulations back today for approval to republish for action. All

recommendations that were made by the community that we were in agreement with have been integrated into the regulations. Those that we wished to bring before the Commissioners have been placed in the General Note section at the end of the document.

Roberta Hazen Aaronson reported on the process conducted by CLAP. Seven meetings were conducted with a working group of 7 very knowledgeable people in the lead field including inspectors. Roberta then reviewed the “General Notes” that had been provided to the Commissioners. She still has concerns and expressed the group CLAP wants further changes in the regulations.

Section 6 B 3.1-Use of the affidavit to confirm that a painted surface was constructed after 2008. Roberta moved to include this change. Mark VanNoppen seconded.

Discussion: It was noted that we allow property owners to do affidavits of visual inspections and that an affidavit has legal standing. A question was brought up about legal liability related to a false affidavit.

Vote: Marilyn Kiesel, Roberta Hazen Aaronson, Jim Ryczek, Terry Tierney, Mark Van Noppen, Denise Barge and Barbara Field (7) voted to approve. Steve O’Rourke and David Hammarström (2) abstained. Remaining Commissioners (9) opposed. Motion fails.

Section 6 C Some changes have been made from comments presented at the last public hearing. There were suggestions from the CLAP group for extensive additional changes.

Motion to accept section 6 C as submitted by CLAP. The motion was amended to eliminate of the reference to DOH R23-24.6-PB.

Peter Walsh made the motion.

Jeanne Cola seconded.

13 yes

1 no

1 abstained (Stephen O'Rourke)

Discussion of Section 6 E 3.2.1-Allowing an affidavit as proof of attending a seminar. Roberta agreed that property owner could take another 3 hour awareness course. No action required.

Section 6 E 2.3.2 A motion was made to allow dust testing at the discretion of an inspector regardless of existing exterior and common area hazards.

Roberta Hazen Aaronson made the motion.

Kevin Flynn seconded.

Lengthy discussion revolved around whether property owners would have a burden reduced or increased by this change. There was a rationale presented for inspections to be done in stages. The current procedure has been to have no dust wipes done if the unit is not

ready for a full inspection (other than weather variance). Noreen noted that in the Lead Hazardous Awareness Classes, we have trained all of our inspections to make sure that the units/home are ready for inspections and meet the requirements for testing. Roberta noted that the change would provide flexibility to accommodate the homeowner or tenant.

2 yes

12 opposed

2 M. Kiesel and S. O'Rourke abstain. Motion fails.

Section 6 G create a new section related to Certification to conduct Training Courses.

Noreen noted that "instructional trainers" was an entirely new idea being presented to the Commissioners. The staff strongly opposes HRC administering tests as this gets into a very complicated area of state government.

Susan Baxter noted that we want high quality trainers. Susan Bodington noted that while training important, it does this need to be part of the regulations. Roberta noted the need for better training techniques, not just content. David Hammarström asked that we vote 6 G up or down but that the quality of teaching should be addressed on a policy basis.

Following some confusion regarding the whether the motion was to keep the current language or to include the suggested changes, Michael Evora made a motion to approve the changes to be consistent with the meeting's previous motions. David Hammarström seconded. /Hamm

14 opposed

Roberta Aaronson abstained. Motion fails.

Section 6 G – Suspension, Denial or Revocation

David Hammarstrom made the motion to include this as a separate section. Ana Novais seconded.

Discussion: Noreen noted that staff had moved this from a stand alone section which applied to all parties affected by the regulations vs. having it in 6 G and applying only to inspectors and trainers. Roberta noted that due process should be universal. Several commissioners and legal counsel expressed concerns about capacity, process and impact on mitigation.

1 yes

13 oppose

Michael Evora abstained.

Agenda Item 4 Resolution to publish the regulations as amended by Commissioners. Motion

Barbara Fields made the motion. Ana Novais seconded.

Motion passed.

5. Legislative Updates

Two bills passed that change the HRC statute. The statute now includes administering a supportive services program as a function of the HRC. This strengthens our systems change in moving toward permanent supportive housing rather than shelter.

The second bill is the passage of expedited permitting for affordable housing development .The HRC must develop regulations for this in order to set criteria for issuing Certificates of Critical Concern. We expect to have a draft ready for Commissioners at the October 17 meeting.

6. Public Comment

Barbara Fields had arrived after the minutes were approved. She requested a correction in the May 16, 2008 minutes to reflect that she was present. She also believes that the minutes should not report dialogue.

David Comerford made extensive comments regarding the use of affidavits by property owners in order to verify that building materials have replaced components that had lead, and described problems

related to lead inspections caused by not having this procedure available. He also argued for broad coverage of the right for any party covered in the regulations to have a right to appeal.

Kent Ackley also commented on the issue of affidavits.

The meeting was adjourned at 11:00 am. The next meeting is Friday, October 17, 2008.