

2019 -- H 6152

=====
LC002678
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

—————
A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND LIVABLE
HOME MODIFICATION ACT

Introduced By: Representatives McNamara, Diaz, Speakman, Amore, and Lyle

Date Introduced: May 24, 2019

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 51.1

4 RHODE ISLAND LIVABLE HOME MODIFICATION ACT

5 **42-51.1-1. Short title.**

6 This chapter shall be known and may be cited as the "Rhode Island Livable Home
7 Modification Act."

8 **42-51.1-2. Definitions.**

9 As used in this chapter:

10 (1) "Accessibility features" means and includes the following:

11 (i) Accessible route to a zero-step entrance on firm surface that is no steeper than 1:12
12 from a driveway or public sidewalk;

13 (ii) Zero-step entrance;

14 (iii) Doors with at least thirty-two inches (32") of clear width;

15 (iv) Hallways and passages with at least thirty-six inches (36") of clear width;

16 (v) Accessible light switches, electrical outlets and environmental controls;

17 (vi) Accessible bathroom;

18 (vii) Accessible and useable kitchen facilities;

1 (viii) Retrofitting of an existing unit shall include permanently installed lifts or elevators;

2 (ix) Purchase and permanent installation of a backup electric generator for life sustaining
3 electric-powered medical equipment in their homes for devices such as respirators, oxygen
4 concentrators, and/or dialysis machines;

5 (x) Installation of a permanent home monitoring system for residents with Alzheimer's
6 disease and/or other forms of dementia; and

7 (xi) All accessibility features shall meet the specifications of an existing standard.

8 (2) "Commission" means the governor's commission on disabilities as established in §
9 42-51-1.

10 (3) "Disability" as defined in § 42-87-1 ("definitions of disability").

11 (4) "Eligible resident" includes a resident who has a disability or the caregiver who owns
12 or rents the residency that the resident who has a disability will reside.

13 (5) "Existing standards" means and includes adaptability features prescribed by the
14 Rhode Island state building code, the specifications of the American National Standards Institute,
15 the Uniform Federal Accessibility Standards (24 C.F.R. Part 40), or Fair Housing Accessibility
16 Guidelines (24 C.F.R. chapter 100).

17 (6) "Post-retrofit documentation" means evidence that the project has been completed,
18 which includes, but is not limited to, before and after pictures of the area that is retrofitted; copies
19 of purchase contracts; invoices; cancelled checks; construction contract; and the like.

20 (7) "Resident who has a disability" means an individual who has a physical or mental
21 impairment that substantially limits one or more of the major life activities of such individual.

22 (8) "Sensory modification" means alarms, appliances and controls designed to assist
23 sensory disabled individuals that are structurally integrated into the residential unit, thereby
24 becoming a permanent part of the structure to the residential unit, excluding therefrom appliances
25 or alarms that can be removed and/or reinstalled, and thus reused, in another residence.

26 **42-51.1-3. Livable home modification grants.**

27 (a) Any eligible resident, who retrofits or hires an individual to retrofit an existing
28 residence, provided that such retrofitting meets the qualification criteria and guidelines as
29 established in § 42-51.1-5, and meets the eligibility requirements established by guidelines
30 developed by the commission, shall be eligible for a livable home modification grant of fifty
31 percent (50%) of the total amount spent, not to exceed five thousand dollars (\$5,000). The grant
32 shall be allowed for the state fiscal year in which the retrofitting or renovation of the residence
33 structure or unit has been completed.

34 (b) The grant required by this chapter shall require application by the resident who has a

1 [disability, caregiver or guardian as provided in § 42-51.1-6.](#)

2 **42-51.1-4. Qualifications for a grant.**

3 [\(a\) In order to qualify for a grant under this chapter, retrofitting of an existing residential](#)
4 [unit must include at least one accessibility feature as defined in § 42-51.1-1 and meet the](#)
5 [requirements of an existing standard as defined in § 42-51.1-1 or provide sensory modifications](#)
6 [as defined in § 42-51.1-1.](#)

7 [\(b\) The eligible resident's income in the prior year must not be greater than one hundred](#)
8 [twenty percent \(120%\) of the US Department of Housing and Urban Development's Area Median](#)
9 [Income for Rhode Island. For purposes of this section, only the resident who has the disability or](#)
10 [the caregiver's earnings, not the household income, determines qualification for a grant.](#)

11 [\(c\) If the eligible resident who has the disability was not required to file a federal tax](#)
12 [return in the prior year, the resident is automatically eligible for a livable home modification](#)
13 [grant, so long as they are not eligible for accessibility modifications funded through other local,](#)
14 [state or federal programs.](#)

15 **42-51.1-5. Applications.**

16 [\(a\) Eligible residents shall apply for the grant by making application to the commission,](#)
17 [which shall issue a certification for an approved application to the resident who has a disability,](#)
18 [caregiver, or guardian.](#)

19 [\(b\) The commission shall issue application guidelines regarding:](#)

20 [\(1\) Assessment of the resident who has the disability's need for the livable home](#)
21 [modifications; and](#)

22 [\(2\) Proof of the eligible resident's income and documentation of any disability related](#)
23 [exemptions.](#)

24 [\(c\) All applications must be submitted and approved by the commission prior to the start](#)
25 [of retrofitting activities to an existing residence.](#)

26 [\(1\) The commission may accept applications after the construction, retrofit, or renovation](#)
27 [has begun if delaying construction would have prevented the applicant from:](#)

28 [\(i\) Being discharged to a private residence from a health care facility; or](#)

29 [\(ii\) Being able to attend health care appointments following their diagnosis; or](#)

30 [\(iii\) Being able to return to a private residence following the qualifying diagnosis.](#)

31 [\(d\) Post-retrofit documentation must be submitted and received by the commission no](#)
32 [later than July 10 of the next fiscal year.](#)

33 **42-51.1-6. Eligibility.**

34 [\(a\) Grants shall be allowed under this chapter for the retrofitting or renovation of](#)

1 residential rental property provided that the owner agreed to maintain access for ten (10) years.

2 (b) Excluded from the grants are individuals and entities that are:

3 (1) Eligible for the federal disabled access credit established under § 44 of the Internal
4 Revenue Code (26 U.S.C. § 44) or state disabled access tax credit for small business established
5 under § 44-54-1;

6 (2) Limited liability companies or foreign limited liability companies, as defined in § 7-
7 16-2;

8 (3) S Corporations established under Subchapter S of Chapter 1 of the Internal Revenue
9 Code (26 U.S.C. §§ 1361 et seq.);

10 (4) Cooperative housing corporations, as defined in § 7-6.1-4; or

11 (5) Corporations or foreign corporations, as defined in § 7-1.2-106.

12 (c) Accessibility modifications that are eligible to be funded through local, state or
13 federal programs are not eligible for grants.

14 (d) No credit shall be allowed under this chapter for the purchase or construction of
15 residential rental property.

16 (e) In no case shall the commission issue any grant relating to transactions or dealings
17 between affiliated entities.

18 (f) In no case shall the commission issue any grant more than once to the same or
19 different individuals relating to the same retrofitting, renovation or construction project.

20 **42-51.1-7. Filing a claim for reimbursement.**

21 Applicants shall submit to the commission post retrofit documentation, as required by the
22 commission, no later than July 10 of the fiscal year in which their application is submitted and
23 retrofitting completed.

24 **42-51.1-8. Reporting.**

25 By August 15 of each year, the commission shall submit an annual report to the governor,
26 speaker of the house, senate president, and chairpersons of the house and senate finance
27 committees for the period from July 1 to June 30 on the actual:

28 (1) Number of grants issued to qualifying individuals;

29 (2) Number of applications who did not qualify;

30 (3) Total dollar amount of grants issued;

31 (4) Average dollar amount of the grants issued;

32 (5) Number of retrofits by accessibility features; and

33 (6) Prognosis for the individual if the retrofit had not been made.

34 (i) Increased likelihood of falls and other related emergency room, hospital and/or

1 [rehabilitation expenses;](#)

2 [\(ii\) Loss of independence; and](#)

3 [\(iii\) Move into a long-term care facility.](#)

4 SECTION 2. This act shall take effect upon passage.

=====
LC002678
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- RHODE ISLAND LIVABLE
HOME MODIFICATION ACT

1 This act would establish the Rhode Island Livable Home Modification Grant which
2 allows eligible homeowners and renters to retrofit their residence to nationally recognized
3 accessibility standards and receive fifty percent (50%) of the total sum spent, up to five thousand
4 dollars (\$5,000), to retrofit such existing residence. Such retrofitting of an existing residence will
5 allow an individual with disabilities to remain safely and independently within their residence and
6 out of long-term care facilities, while reducing falls and other related emergency room, hospital
7 and/or rehabilitation expenses.

8 This act would take effect upon passage.

=====
LC002678
=====