

WHY ARE RULES REPEALED?

Rules are repealed primarily for four reasons:

The most obvious is that the statutory authority which supports the rule has been removed. No rule can be adopted without the requisite statutory authority.

A second reason is that the time period to which the rule applies has passed. Most of the FHCF's rules apply to a specific contract year. When that contract year has passed and the associated audits have been completed, the rules will no longer be necessary.

The third reason is that the agency may undergo a reorganization or the agency's rules may undergo a reorganization or a renumbering. In that circumstance, the original rule will be repealed although it may be adopted in the new agency or in another part of the original agency's rule chapters.

A fourth reason is that real world changes may remove the purpose for which the rule was originally adopted. Even if the statutory authority were still in place, the rule would be repealed to avoid confusion. For example, if statutory authority existed to adopt rules to implement a series of residential mitigation programs and one of the programs was no longer in effect because the funding source had ceased, the rule implementing that particular program would be repealed even though other rules implementing other programs would remain in place.

If you have specific questions about the rules that the FHCF has repealed, please contact us.