OFFICE OF THE SECRETARY OF STATE
TOBIAS READ
SECRETARY OF STATE

MICHAEL KAPLAN
DEPUTY SECRETARY OF STATE

ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 813
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

FILED
03/27/2025 12:47 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Rules for the implementation of OHCS' ReOregon Disaster Recovery Programs

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/30/2025 4:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Jaci Davis
503-986-6796
jaci.davis@hcs.oregon.gov

725 Summer St NE
Suite B
Salem,OR 97301

Filed By:
Jaci Davis
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 04/24/2025
TIME: 10:30 AM - 11:00 AM
OFFICER: Jaci Davis

REMOTE HEARING DETAILS
MEETING URL: Click here to join the meeting
PHONE NUMBER: 503-986-6796
CONFERENCE ID: 276424508042
SPECIAL INSTRUCTIONS:
Meeting ID: 276 424 508 042
Passcode: uW2tV3Wp

A request for an interpreter for the hearing impaired
or for other accommodations for persons with disabilities should be made at least 72 hours prior to the meeting. Please contact Administrative Services at 503-986-6796, or email housinginfo@hcs.oregon.gov to make your request or the hearing officer listed in this rule notice.

NEED FOR THE RULE(S)

These rules will allow OHCS' Disaster Recovery and Resilience Division to implement disaster recovery programs in response to the presidentially-declared 2020 Wildfires and Straight-line Winds and funded by the HUD Community Development Block Grant – Disaster Recovery funding award of $422,286,000. Funding was allocated through publication in the Federal Register, Vol. 87, No. 23, February 3, 2022 (87 FR 6364). Program implementation is outlined the ReOregon Action Plan, Version 2, originally dated September 30, 2022.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Federal Register, Vol. 87, No. 23, February 3, 2022 (87 FR 6364)
ReOregon Action Plan, located on the OHCS website
ReOregon program manuals and guidelines, located on the OHCS website.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Under the ReOregon Action Plan, OHCS adopted two guiding policy pillars of equity and resilience that inform the design of all programs. Oregon is facing two ongoing crises – a housing crisis exacerbated by the 2020 Wildfires and Straight-line Winds disaster that disproportionately affects historically underserved communities, including communities of color and rural communities, and a climate crisis, making future disasters more and more likely. ReOregon program policies are designed to ensure recovery programs center communities of color and other vulnerable populations, and maximize benefits for low-income households impacted by the disaster.

FISCAL AND ECONOMIC IMPACT:

ReOregon disaster recovery programs, as proposed under the ReOregon Action Plan, provide significant funding and technical assistance for individuals and communities to recover from the 2020 Wildfires and Straight-line Winds disaster. Funding will spur individual recovery through home reconstruction and replacement, economic growth, infrastructure investments and affordable housing construction in the impacted counties.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

ReOregon funding in impacted counties may provide small businesses that were impacted by the disaster with revenue-generating and economic development opportunities. There are no compliance implications for small businesses as the rules outline funding resources available to help impacted households and communities recover.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The ReOregon Action Plan and subsequent Substantial Action Plan Amendment were developed with significant outreach, feedback and partnership with individuals, local governments, businesses and community members impacted by the 2020 Wildfires and Straight-line Winds disaster. The design of ReOregon programs took into consideration feedback from many impacted businesses that indicated that they were unable to recover on their own due to insufficient insurance and barriers to accessing other resources, such as assistance from the Small Business Administration. With the launch of the ReOregon Planning, Infrastructure and Economic Revitalization Program, small business representatives serve as members of the selection committees and play a key role in project selections.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

In order to develop the ReOregon Action Plan and subsequent ReOregon programs, OHCS engaged State and federal agencies, local governments, nonprofit organizations, housing-specific workgroups, the Housing Stability Council, public housing authorities, tribal governments, community-based organizations, community action agencies, long-term recovery groups, and other ad hoc work groups focused on recovery. Engagement with these organizations started in September 2020, in the middle of the wildfires, through the National Disaster Recovery Framework led by FEMA, the Office of Emergency Management, and other federal and State agencies; the State's Disaster Housing Task Force; and other response and recovery support functions, committees, and workgroups. OHCS and HUD also collected information and feedback through surveys and local engagement associated with the development of the State's

Housing Impact Assessment and the State's Disaster Housing Recovery Action Plan. OHCS expanded this engagement by presenting the preliminary unmet needs assessment to state agencies, Tribal and local governments, wildfire recovery work groups, community-based organizations and the OHCS' Housing Stability Council after the announcement of the CDBG-DR appropriation in September 2021 through April 2022. OHCS then held its first public comment period from May 2, 2022 through June 1, 2022, with records made available to the public.

This initial round of public engagement found significant interest in programming for housing and infrastructure issues caused by the wildfire impacts. Many individuals were displaced by the fire and were currently living in RVs/fifth wheels. Community members expressed interest in creating affordable rental housing or possible homeownership opportunities for these individuals. From an infrastructure perspective, many communities strongly indicated that damaged – or previously lacking - infrastructure has limited the ability for both homeowners and businesses to recover. They also noted that very few businesses received federal assistance, leaving them few resources with which to attempt to reopen following both the wildfire and the COVID-19 pandemic. Communities also expressed interest in finding innovative ways to build fire hardening measures and strategies into their community planning and building codes. This would ultimately help communities mitigate against future wildfire risks and vulnerabilities.

Additional outreach efforts took place during the Substantial Action Plan Amendment public engagement process, which included a public comment period and several public hearings for subrecipients, other state agencies, community partners, local governments and businesses, elected officials and impacted households throughout October 2024. These engagement efforts allowed OHCS to gather feedback to inform program additions and modifications.

HOUSING IMPACT STATEMENT:

These rules will not be used to increase costs of materials, labor, land, or construction costs. The programs under ReOregon will make funding, resources and technical assistance available to assist impacted communities with recovery from the 2020 Wildfires and Straight-line Winds. These rules do not affect the cost of development of a 6000 square foot parcel and the construction of a 1200 square foot detached single-family dwelling on that parcel.

RULES PROPOSED:

813-100-0006, 813-100-0011, 813-100-0016, 813-100-0021, 813-100-0026, 813-100-0031, 813-100-0036, 813-100-0041, 813-100-0045, 813-100-0046, 813-100-0051, 813-100-0056, 813-100-0061, 813-100-0066, 813-100-0071, 813-100-0076

ADOPT: 813-100-0006

RULE SUMMARY: To establish the purpose and objective of the DRR program.

CHANGES TO RULE:

<u>813-100-0006</u>
<u>Purpose and Objective</u>
<u>OAR chapter 813, Division 100 accomplishes the general purpose of the Federal Register notice, Vol. 87, No. 23, February 3, 2022 (87 FR 6364) which authorizes the Oregon Housing and Community Services Department ("OHCS") to support long-term recovery and mitigation efforts for 2020 Wildfire-impacted individuals and households with Community Development Block Grant - Disaster Recovery (CDBG-DR) funding.</u>
<u>Statutory/Other Authority: ORS 456.555</u>
<u>Statutes/Other Implemented: ORS 458.315 - 458.317</u>

ADOPT: 813-100-0011

RULE SUMMARY: To establish definitions of the DRR program.

CHANGES TO RULE:

813-100-0011
Definitions
Terms used throughout OAR Chapter 813, division 100 may be defined in Oregon Revised Statute (ORS) or in the OHCS General Definitions (OAR-813-005-0005). Terms used within this division observe those definitions except as defined below:¶
(1) "Area Median Income (AMI)" means the median (middle point) household income for an area adjusted for household size, as published annually by the U.S. Department of Housing and Urban Development (HUD).¶
(2) "Community Development Block Grant - Disaster Recovery (CDBG-DR)" means funding for housing and community recovery and disaster mitigation, appropriated by the U.S. Congress, an awarded to the State by HUD. The source of funding for the ReOregon disaster recovery programs. ¶
(3) "Federal Register" is a daily publication of the U.S. federal government that issues proposed and final administrative regulations of federal agencies. ¶
(4) "Low-and-moderate income (LMI) National Objective" means one of three national objectives that any CDBG activity must meet. Activities that meet the LMI objective must benefit households whose total annual gross income does not exceed 80% of county AMI, adjusted for Household size. Income eligibility will be determined and verified in accordance with HUD Guidance. The most current income limits, published annually by HUD, shall be used to verify the income eligibility of each Household applying for assistance at the time assistance is provided. ¶
(5) "Most Impacted and Distressed (MID) Area" are areas of greatest impact from a disaster as determined by HUD or the State in making disaster assistance allocations, using the best available data sources to calculate the amount of disaster damage. The MID-designated areas for the 2020 Wildfires and Straight-line Winds (DR-4562) assistance allocation include the counties of Clackamas, Douglas, Jackson, Lane, Lincoln, Linn, and Marion. The State of Oregon has also designated Klamath County as a MID. ¶
(6) "ReOregon" is the name used in communication and branding for Oregon's disaster recovery programs, including all CDBG-DR funded programs.¶
(7) "Urgent Need National Objective" means one of three national objectives that any CDBG activity must meet. An Urgent Need exists where conditions pose serious and immediate threat to the health/welfare of the community, the existing conditions are recent or recently became urgent, and the recipient of funds cannot finance the activities on their own because other assistance sources are not available. OHCS must document how each program and/or activity funded under the Urgent Need National Objective responds to a disaster-related impact.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.315 - 458.317

ADOPT: 813-100-0016

RULE SUMMARY: Funding allocation details from the ReOregon Action Plan.

CHANGES TO RULE:

813-100-0016
CDBG-DR Funding Allocation Details - ReOregon Action Plan
(1) The State of Oregon received $422,286,000 in funding from the U.S. Department of Housing and Urban Development (HUD) to support long-term recovery and mitigation efforts following the 2020 Wildfires and Straight-Line Winds (DR-4562) through the Oregon Housing and Community Services Department (OHCS). Community Development Block Grant - Disaster Recovery (CDBG-DR) funding is designed to address the needs that remain after all other assistance has been exhausted. Funding was allocated through publication in the Federal Register, Vol. 87, No. 23, February 3, 2022 (87 FR 6364).¶
(2) The ReOregon Action Plan Version 2, originally dated September 30, 2022, which describes HUD-approved programs and activities, and which may be amended from time to time, is hereby adopted by reference.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.315 - 458.317

ADOPT: 813-100-0021

RULE SUMMARY: Clarifying grant requirements.

CHANGES TO RULE:

813-100-0021
ReOregon Grant Requirements
(1) HUD requires funds to be used for costs related to unmet needs in the following impacted counties: Clackamas, Douglas, Jackson, Klamath, Lane, Lincoln, Linn and Marion. At least 80% of the total funding must benefit Clackamas, Douglas, Jackson, Lane, Lincoln, Linn and Marion Counties.¶
(2) A minimum of 70% of total grant funds must benefit low-and-moderate income persons or households.¶
(3) A minimum of 15% of total grant funds must support mitigation and prevention activities.¶
(4) HUD grant requirements specific to Oregon Housing and Community Services as grantee can be found in the Federal Register, Vol. 87, No. 23, February 3, 2022 (87 FR 6364).¶
(5) Timeline: The CDBG-DR grant ends on February 2, 2029, unless extended by HUD.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.315 - 458.317

ADOPT: 813-100-0026

RULE SUMMARY: Clarity to the Action Plan Amendments

CHANGES TO RULE:

813-100-0026
ReOregon Action Plan Amendments
(1) OHCS will amend the ReOregon Action Plan as often as necessary to best address the long-term recovery needs and goals. As programs and activities develop over time, an amendment may not be triggered if the program or activity is consistent with the descriptions provided in the Action Plan.¶
(2) When unmet needs and program descriptions or other sections rise to the level of requiring an Action Plan amendment, the State will do the following:¶
(a) Ensure that the current version of the Action Plan is accessible for viewing as a single document, with all amendments, so that the public and HUD do not have to view and cross-reference changes among multiple amendments.¶
(b) Identify amendments by highlighting added or changed text and striking out deleted text.¶
(c) Include a table that clearly illustrates where the funds are coming from and where they are going.¶
(d) Include a revised budget allocation table that reflects the entirety of all funds, if applicable to the amendment.¶
(3) Substantial Amendment: A change to the initial Action Plan is substantial if it meets any of the following criteria:¶
(a) It changes program benefits or eligibility criteria;¶
(b) It adds or deletes an activity; or¶
(c) It allocates or reallocates the greater of either $5 million or 15% or greater of a program budget.¶
(4) When OHCS pursues the substantial amendment process, the amendment will be posted on the State's CDBG-DR website for a 30-day public comment period. The amendment will be posted in adherence with the Americans with Disabilities Act and LEP requirements. OHCS will review and respond to all public comments received and submit the comments and responses to HUD for approval.¶
(5) A substantial Action Plan amendment shall require the following:¶
(a) The State will revisit the impact and needs assessment when moving funds from one program to another through a substantial amendment.¶
(b) A 30-day public comment period will include the following:¶
(A) The State will prominently post the action plan amendment on the OHCS official disaster recovery website.¶
(B) The State will afford residents, affected local governments, and other interested parties a reasonable opportunity to review the plan or substantial amendment. ¶
(C) The State will identify and consider potential barriers that limit or prohibit equitable participation and will undertake reasonable measures to increase coordination, communication, affirmative marketing, targeted outreach, and engagement with underserved communities and individuals, including persons with disabilities and persons with limited English proficiency. This includes the following:¶
(i) The Action Plan amendment will be translated according to the CDBG-DR Language Access Plan. ¶
(ii) The Action Plan amendment will be posted in a way that meets all accessibility requirements.¶
(c) The State will review and respond to all written and oral public comments received. Any updates or changes made to the Action Plan in response to public comments shall be clearly identified in the Action Plan and amendments. The public comments also will be submitted to HUD with the final Action Plan amendment.¶
(d) Receipt of approval from HUD.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.315 - 458.317

ADOPT: 813-100-0031

RULE SUMMARY: To establish rules for the HARP program.

CHANGES TO RULE:

813-100-0031
Homeowner Assistance and Reconstruction Program (HARP)
HARP provides grants to eligible homeowners who experienced damage to their homes from the 2020 Wildfires and Straight-line Winds and have remaining recovery needs after accounting for other duplicative benefits received.¶
(1) HARP funds eligible rehabilitation, reconstruction, acquisition, and replacement costs, including additional costs to comply with federal, State, and local construction standards, such as replacing on-site residential infrastructure, complying with green building standards, and ensuring that homes are accessible for individuals living with disabilities and senior residents. Eligible costs also include elevation, fire hardening, and other program-required costs that will help protect homes from natural hazards faced in the fire-impacted communities.¶
(2) Geographic Eligibility: FEMA IA-declared counties for DR-4562¶
(a) HUD-identified MID counties: Clackamas, Douglas, Jackson, Lane, Lincoln, Linn, and Marion¶
(b) Grantee-identified MID counties: Klamath¶
(3) Applicant Eligibility: Homeowners must meet the following criteria:¶
(a) Must have been the owner-occupant of the damaged property at the time of the disaster.¶
(b) The damaged property must have been the applicant's primary residence at the time of the disaster.¶
(c) The damaged property must have sustained damages as a result of the 2020 Wildfires and Straight-line Winds.¶
(d) The damaged property must be an eligible structure including, but not limited to, single-family residences, manufactured homes, and pre-fabricated homes.¶
(e) Applicant must have a remaining recovery need after accounting for other duplicative benefits received.¶
(4) Income Eligibility: The program is designed to prioritize individuals and households who have struggled to access the necessary resources to initiate or complete their recovery. The program will be launched in three phases:¶
(a) Phase 1: At or below 80% of the AMI¶
(b) Phase 2: At or below 120% of the AMI¶
(c) Phase 3: Greater than 120% of the AMI¶
(5) Administration: The funds will be administered by OHCS and/or its subrecipients.¶
(6) Updated program information can be found at the OHCS ReOregon website.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.315 - 458.317

ADOPT: 813-100-0036

RULE SUMMARY: To establish rules for the PIER program.

CHANGES TO RULE:

813-100-0036
Planning, Infrastructure and Economic Revitalization (PIER)
PIER provides funding to address the unmet infrastructure, planning and economic revitalization needs in 2020 Wildfire-impacted counties.¶
(1) Funding is available through direct county allocations for local governments, non-profit organizations, school districts, public housing authorities, and other public or quasi-public entities in the eight most impacted counties.¶
(2) Budgetary allocations will be made at the county level, counties and organizations within the impacted areas will work together to define the specific projects or programs to be funded.¶
(3) Each infrastructure, economic revitalization, and planning activity must clearly have a tie to revitalizing disaster impacted communities by directly or indirectly supporting: ¶
(a) New housing and/or replacement of damaged housing, and/or ¶
(b) The mitigation of loss of life or property in the face of current and future natural hazards.¶
(4) Geographic Eligibility: FEMA IA-declared counties for DR-4562¶
(a) HUD-identified MID counties: Clackamas, Douglas, Jackson, Lane, Lincoln, Linn, and Marion¶
(b) Grantee-identified MID counties: Klamath¶
(5) Applicant Eligibility: Eligible applicants include, but are not limited to, the following:¶
(a) Tribal, State, county, and municipal governments, agencies, districts, and authorities¶
(b) Schools (K-12)¶
(c) Public housing authorities¶
(d) Other public or quasi-public entities¶
(e) Nonprofit entity with a specific public role described in an Oregon revised statute (e.g., soil and water conservation districts)¶
(6) Administration: The funds will be administered by subrecipients.¶
(7) Updated program information can be found at the OHCS ReOregon website.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.315 - 458.317

ADOPT: 813-100-0041

RULE SUMMARY: To establish rules for the Housing and Recovery Services Program.

CHANGES TO RULE:

813-100-0041
Housing and Recovery Services Program
The Housing and Recovery Services Program provides disaster case management and housing navigation through outreach, support, counseling and addressing unmet needs to help households on their path to housing recovery and long-term stability.¶
(1) Services may include homeowner education, renter counseling, homebuyer education, financial literacy, credit rehabilitation, debt management, budgeting, homelessness counseling, avoiding fraud and scams, applying for public and private resources, foreclosure prevention strategies, and relocation counseling, among other services tailored to fit the participants' needs.¶
(2) Geographic Eligibility: FEMA IA-declared counties for DR-4562:¶
(a) HUD-identified MID counties: Clackamas, Douglas, Jackson, Lane, Lincoln, Linn, and Marion¶
(b) Grantee-identified MID counties: Klamath¶
(3) Applicant Eligibility: To be eligible for the program, applicants must be displaced or facing housing insecurity in one of the HUD- or grantee-identified MIDs.¶
(a) Income Eligibility: Applicants must be at or below 80% area median income. ¶
(b) An exception may be made for applicants up to 120% area median income only when assistance can be defined as meeting an Urgent Need national objective. ¶
(4) Administration: The funds will be administered by the State of Oregon and/or its subrecipients.¶
(5) Updated program information can be found at the OHCS ReOregon website.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.315 - 458.317

ADOPT: 813-100-0045

RULE SUMMARY: Including guidance for DRR appeal process.

CHANGES TO RULE:

813-100-0045
Appeals
All references in ReOregon programs to "Appeals" or "appeals" refer to a written request from an applicant or participant in which the applicant/participant asks OHCS to review and change a determination regarding the applicant/participant's eligibility or award amounts. ReOregon programs provide a two-level appeals process. The purpose of the ReOregon appeals process is to give an applicant/participant an opportunity to quickly resolve their concerns and to better understand a ReOregon determination. The ReOregon appeals process occurs before, and is separate from, any right that an Applicant/Participant may have to challenge a ReOregon determination under ORS chapter 183, the Oregon Administrative Procedures Act.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 456.555

ADOPT: 813-100-0046

RULE SUMMARY: To establish rules for the Affordable Housing Development Program.

CHANGES TO RULE:

813-100-0046
Affordable Housing Development Program
The Affordable Housing Development program provides a single subrecipient in each impacted county an expanded menu of eligible activities allowing each county to design and administer a program based on the needs, resources, and capacity of the county to create new affordable housing for rental or homeownership through acquisition, demolition, rehabilitation, new construction including site-built or pre-fabricated units and the option to allow for accessory dwelling units, homebuyer subsidy and infrastructure projects necessary for affordable housing development. ¶
¶
(1) Funding is available through direct county allocations to a local government, public housing authority or other qualified public or private nonprofit organization.¶
(2) Projects may be developed by the subrecipient or by other developer partners funded directly or identified competitively and contracted with by the subrecipient. ¶
¶
(3) All projects funded through the Affordable Housing Development program should result in housing that is affordable, energy efficient and more resilient in the face of future disaster.¶
¶
(4) Geographic Eligibility: FEMA IA-declared counties for DR-4562:¶
¶
(a) HUD-identified MID counties: Clackamas, Douglas, Jackson, Lane, Lincoln, Linn, and Marion¶
(b) Grantee-identified MID counties: Klamath¶
¶
(5) Administration: The funds will be administered by subrecipients.¶
(6) Updated program information can be found at the OHCS ReOregon website.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.315 - 458.317

ADOPT: 813-100-0051

RULE SUMMARY: To establish rules for the Intermediate Housing Assistance Program.

CHANGES TO RULE:

813-100-0051
Intermediate Housing Assistance Program
The Intermediate Housing Assistance program provides assistance to eligible residents located in the 2020 Wildfire-impacted counties who lack the necessary resources or support networks to obtain affordable rental housing or need alternative housing until permanent housing solutions are secured. ¶
(1) Funding is available through grants to eligible subrecipients to provide:¶
(a) Up to 24 months of rental, temporary relocation, and/or other intermediate housing assistance. ¶
(b) Housing navigation, case management, and support services to disaster-impacted residents.¶
(2) Geographic Eligibility: FEMA IA-declared counties for DR-4562:¶
(a) HUD-identified MID counties: Clackamas, Douglas, Jackson, Lane, Lincoln, Linn, and Marion¶
(b) Grantee-identified MID counties: Klamath¶
(3) Income Eligibility: ¶
(a) Households at or below 80% of the AMI must face housing instability or have been displaced by the 2020 Wildfires and Straight-line Winds in one of the HUD- or grantee-identified MIDs. Applicants whose households are at or below 80% of the AMI may be eligible for assistance if: ¶
(A) They experienced a direct, verified residential loss from the 2020 Wildfires and Straight-line Winds, or ¶
(B) Their rents are unaffordable due to the rising rental costs or lack of available affordable rental housing exacerbated by wildfires in the impacted county in which they reside. These applicants are not technically considered "displaced" by the 2020 Wildfires and Straight-line Winds, but they do face potential temporary or permanent displacement from the impacted communities if they are unable to afford rents while the State, local governments, and developers replace damaged housing inventory. ¶
(b) Households between 80.1% to 120% of the AMI must have a direct verified residential loss as a result of the 2020 Wildfires and Straight-line Winds and face housing instability and/or are displaced.¶
(4) To ensure the program meets the most urgent needs of low-income residents with verified loss from the disaster, the State may implement a phased or prioritized approach that will be published in program policies and procedures.¶
(5) Administration: The funds will be administered by subrecipients.¶
(6) Updated program information can be found at the OHCS ReOregon website.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.315 - 458.317

ADOPT: 813-100-0056

RULE SUMMARY: To establish rules for the Down Payment Assistance Program.

CHANGES TO RULE:

813-100-0056
Down Payment Assistance Program
The Down Payment Assistance program provides homeownership assistance for first-time homebuyers to create opportunities for long-term, stable, affordable housing for those with a higher risk of housing instability. ¶
(1) Funding is available through grants to eligible subrecipients¶
(2) Geographic Eligibility: FEMA IA-declared counties for DR-4562:¶
(a) HUD-identified MID counties: Clackamas, Douglas, Jackson, Lane, Lincoln, Linn, and Marion¶
(b) Grantee-identified MID counties: Klamath¶
(3) Eligible Beneficiaries: To be eligible for the program, applicants must meet the following criteria: ¶
(a) Must have a household income at or below 120% of the AMI. ¶
(b) Must have experienced a verified residential loss as a result of the 2020 Wildfires and Straight-line Winds for households between 80.1% and 120% AMI. ¶
(c) Must be a first-time homebuyer. A first-time homebuyer is an individual who meets any one of the following criteria:¶
(A) An individual who has had no ownership in a principal residence during the 3- year period ending on the date of purchase of the property. This may also include a spouse. ¶
(B) A single parent who has only owned with a former spouse while married.¶
(C) An individual who is displaced and has only owned with a spouse. A displaced individual is someone whose marital status affects their ability to be properly housed.¶
(d) Cannot have received or be determined eligible for and pursuing an award through the Homeowner Assistance and Reconstruction Program. ¶
(e) Must agree to the affordability terms, which includes maintaining the property as owner-occupants for a defined period (homebuyer affordability period) and recording a deed restriction on the property to ensure that the property remains affordable to income-eligible homeowners for a defined period in the event of resale (property affordability period). ¶
(f) Must meet the Program's underwriting requirements. The underwriting process will review the applicant for such items as the applicant's ability to afford the cost of maintaining a home and will be detailed in the program guidelines.¶
(4) Administration: The funds will be administered by subrecipients.¶
(5) Updated program information can be found at the OHCS ReOregon website.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.315 - 458.317

ADOPT: 813-100-0061

RULE SUMMARY: To establish rules for the Housing Counseling Program.

CHANGES TO RULE:

813-100-0061
Housing Counseling Program
The Housing Counseling program provides services from HUD-certified housing counselors for homebuyer education, budgeting/financial planning and pre-purchase and mortgage readiness to help households on their path to housing recovery and long-term stability. ¶
(1) Funding is available through grants to eligible subrecipients¶
(2) Geographic Eligibility: FEMA IA-declared counties for DR-4562:¶
(a) HUD-identified MID counties: Clackamas, Douglas, Jackson, Lane, Lincoln, Linn, and Marion¶
(b) Grantee-identified MID counties: Klamath¶
(3) Eligible Beneficiaries: To be eligible for the program, applicants must meet the following criteria: ¶
(a) Must be displaced or facing housing insecurity in one of the HUD- or grantee-identified MIDs; or¶
(b) Be referred from another ReOregon program¶
(4) Administration: The funds will be administered by subrecipients.¶
(5) Updated program information can be found at the OHCS ReOregon website.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.315 - 458.317

ADOPT: 813-100-0066

RULE SUMMARY: To establish rules for the Legal Services Program.

CHANGES TO RULE:

813-100-0066
Legal Services Program
The Legal Services program will provide legal assistance for impacted households facing barriers to recovery.¶
(1) Funding will be provided to eligible subrecipients or OHCS-contracted legal services providers to deliver the following types of assistance:¶
(a) Replacing identification papers.¶
(b) Working through insurance claims.¶
(c) Clearing property titles and working through heirship and probate.¶
(d) Fighting unlawful evictions and foreclosures.¶
(e) Combating contractor scams and fraud.¶
(f) Assistance with school transfers.¶
(g) Obtaining emergency child custody, visitation, support, and other court orders requiring modification as a result of displacement, injury, or job loss.¶
(h) Other legal services needed for applicants to complete their recovery through one of the other ReOregon programs.¶
(2) Geographic Eligibility: FEMA IA-declared counties for DR-4562:¶
(a) HUD-identified MID counties: Clackamas, Douglas, Jackson, Lane, Lincoln, Linn, and Marion¶
(b) Grantee-identified MID counties: Klamath¶
(3) Administration: The funds will be administered by the State of Oregon and/or its subrecipients.¶
(4) Updated program information can be found at the OHCS ReOregon website.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.315 - 458.317

ADOPT: 813-100-0071

RULE SUMMARY: To establish rules for the Resilience Planning Program.

CHANGES TO RULE:

813-100-0071
Resilience Planning Program
The Resilience Planning program will carry out regional and statewide recovery, and resilience and mitigation planning involving areas such as infrastructure, public resilience and preparedness, barriers to affordable housing creation, spurring economic growth, protecting public health and job creation.¶
(1) Eligible applicants may include, but are not limited to, State agencies.¶
(2) Geographic eligibility: All Oregon counties.¶
(3) Administration: The funds will be administered by the State of Oregon.¶
(4) Updated program information can be found at the OHCS ReOregon website.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 458.315 - 458.317

ADOPT: 813-100-0076

RULE SUMMARY: Including guidance for DRR appeal process

CHANGES TO RULE:

813-100-0076
Appeals
All references in ReOregon programs to "Appeals" or "appeals" refer to a written request from an applicant or participant in which the applicant/participant asks OHCS to review and change a determination regarding the applicant/participant's eligibility or award amounts. ReOregon programs provide a two-level appeals process. The purpose of the ReOregon appeals process is to give an applicant/participant an opportunity to quickly resolve their concerns and to better understand a ReOregon determination. The ReOregon appeals process occurs before, and is separate from, any right that an Applicant/Participant may have to challenge a ReOregon determination under ORS chapter 183, the Oregon Administrative Procedures Act.
Statutory/Other Authority: ORS 456.555
Statutes/Other Implemented: ORS 456.555