



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 813
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

FILED

09/26/2025 7:22 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: CORRECTED: OHCS's general rule clean up, to create more transparent and accurate department rules.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/31/2025 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 Street 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: 10/22/2025

TIME: 2:30 PM

OFFICER: Jaci Davis

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-986-6796

CONFERENCE ID: 2684129276179

SPECIAL INSTRUCTIONS:

Passcode: Mh6XC2y5

NEED FOR THE RULE(S)

The Oregon Housing and Community Services (OHCS) has identified inconsistencies and outdated information within Chapter 813 general rules. To address this, the department has drafted these proposed changes to better support creating clear and accurate administrative rules. This corrected filing includes the repealing of Division 5 section 20 because the manual referenced is within Division 2 and no longer needed.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 456.550, 456.559, 456.569

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

By updating the department's general rules, more Oregonian will gain access to up to date information about available housing programs and the business functions of the state's housing finance agency. Creating clear and transparent administrative rules will improve racial equity within the state.

FISCAL AND ECONOMIC IMPACT:

There is no fiscal or economic impact within the proposed changes. This filing will not change any delivery or impact to the public.

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).

There is no cost of compliance within the proposed changes. This filing will not change any delivery or impact to the public. There is no direct impact to small business and will require no cost to comply with changes.

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

Small businesses were not involved within the drafting of these general rule amendments; however, small businesses have provided historical feedback that we have been able to use within this revision to ensure all divisions of the department are not negatively impacted with these clarifying changes.

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

This rule filing includes only general rule clean up changes and does not impact the public directly. There is no fiscal or economic impact within the clarifying changes.

HOUSING IMPACT STATEMENT:

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:

813-001-0002, 813-001-0003, 813-001-0007, 813-001-0009, 813-001-0011, 813-001-0060, 813-005-0001, 813-005-0005, 813-005-0008, 813-005-0020, 813-005-0025, 813-005-0040, 813-005-0050, 813-005-0055, 813-005-0060, 813-005-0070

REPEAL: 813-001-0002

RULE SUMMARY: Repealing outdated and redundant language that is in statute. All of the department's general rules will be found within Division 5.

CHANGES TO RULE:

~~813-001-0002~~

~~General Purpose-~~

~~OAR chapter 813, division 001, is promulgated to provide an overview of the Housing and Community Services Department and related entities and to describe general procedural rules with respect to the review and approval or disapproval by the Housing Stability Council of certain housing grants, loans and other funding awards proposed to it by the Director of the Department.~~

~~Statutory/Other Authority: ORS 90.630, 90.771-90.775, 90.800-90.840, 183, 315.271, 317.097, 446.525-446.543, 456.515-456.725, 458.210-458.365, 458.405-458.460, 458.505-458.740, 566.310-566.350, 757.612-757.617~~

~~Statutes/Other Implemented: ORS 90.630, 90.771-90.775, 90.800-90.840, 183, 315.271, 317.097, 446.525-446.543, 456.515-456.725, 458.210-458.365, 458.405-458.460, 458.505-458.740, 566.310-566.350, 757.612-757.617~~

REPEAL: 813-001-0003

RULE SUMMARY: Repealing outdated and redundant language that is in statute. All of the department's general rules will be found within Division 5.

CHANGES TO RULE:

~~813-001-0003~~

~~Organization Description ¶¶~~

~~(1) The Oregon Housing and Community Services (OHCS) is a state housing finance department, and also serves as the central source of housing data and program information in the state. The Department, established pursuant to ORS 456.555, operates under the direction and control of an Director appointed by the Governor. The primary duties and powers of the Director are described in 456.555(3), (4), (5) and (7). The primary housing-related powers and duties of the Department, including its bonding authority, are more specifically set out in 456.515 through 456.725 and 90.630. The Department also administers other housing and community services programs. These Department powers and duties are primarily set out in 458.005 through 458.740.¶¶~~

~~(2) The Housing Stability Council is established under ORS 456.567. The Council consists of nine members appointed by the Governor subject to confirmation by the Senate. The Council advises the Department regarding its biennial budget and, with the advice of the Director, develops policies to aid in stimulating and increasing the supply of housing for lower-income Oregonians. The Council, with the advice of the Director, approves or disapproves program framework and standards for Department housing programs, in accordance with ORS 456.561. It also approves or disapproves certain housing loans, grants and other housing funding awards proposed by the Director. Council powers and duties are primarily set out in 456.555(6)(a), 456.567(6) and 456.571.¶¶~~

~~(3) The Community Action Directors of Oregon or Community Action Agency Network means an organization described in ORS 458.505. Pursuant to 456.555, the Community Action Directors of Oregon advises the Department and the Housing Stability Council on community service programs as determined by the Director and as set forth in 458.505. Pursuant to 458.505, the Community Action Directors of Oregon delivers antipoverty programs in Oregon, including the Community Services Block Grant, Low Income Energy Assistance Program, and State Department of Energy Weatherization Program.~~

~~Statutory/Other Authority: ORS 90.630, ORS 90.771, ORS 90.800, ORS 183.675, ORS 315.271, ORS 317.097, ORS 446.525, ORS 456.515, ORS 458.210, ORS 458.460, ORS 458.505, ORS 566.310, ORS 757.612, ORS 90.775, ORS 90.800, ORS 90.840, ORS 446.543, ORS 456.725, ORS 757.617, ORS 458.365, ORS 458.405, ORS 458.740, ORS 566.350~~

~~Statutes/Other Implemented: ORS 90.630, ORS 90.771, ORS 90.800, ORS 183.675, ORS 315.271, ORS 317.097, ORS 446.525, ORS 456.515, ORS 458.210, ORS 458.460, ORS 458.505, ORS 566.310, ORS 757.612, ORS 90.775, ORS 90.800, ORS 90.840, ORS 446.543, ORS 456.725, ORS 757.617, ORS 458.365, ORS 458.405, ORS 458.740, ORS 566.350~~

REPEAL: 813-001-0007

RULE SUMMARY: Repealing outdated and redundant language that is in statute. This information will now be found within OAR 813-005-0008.

CHANGES TO RULE:

~~813-001-0007~~

~~Procedural Rules for Housing Stability Council Review and Determination with Respect to Certain Housing Loan, Grant and Other Funding Award Proposals by the Executive Director ¶¶~~

~~(1) The Director or the Director's department designees shall submit proposed loan, grant or other funding award proposals arising under ORS 456.515 to 456.725 programs to the Housing Stability Council for review and approval if the proposal is for:¶¶~~

~~(a) A proposed single-family loan on property with a purchase price which, when reduced by costs of purchase other than the department loan, is equal to or greater than ninety-five percent of the applicable area program purchase price limit or;¶¶~~

~~(b) Loans, grants, and other funding award proposals arising under ORS 456.515 to 456.725 concerning a particular multifamily housing project that, in the aggregate: (i) are equal to or greater than \$1,000,000, (ii) constitute more than 50% of the total development budget for such project, provided that the total development budget of such project is \$1,000,000 or greater, or (iii) are outside of applicable agency guidelines.¶¶~~

~~(2) The council shall review each loan, grant or other funding award proposal submitted by the Director under this section and approve or disapprove the loan, grant or other funding award proposal. An approval by the council of any loan, grant or other funding award may be partial or in full and may contain any conditions that the council may prescribe.¶¶~~

~~(3) Formal council review of loan, grant or other funding award proposals under this section shall be conducted in a public meeting, whether in person or by telephone or other electronic means. The council may go into executive session, as appropriate, in the course of its review. A council public meeting notice, when required by ORS 192.640, shall include notice of the loan, grant or other funding award proposal review, the names of the applicants, and the subject of the loan, grant or funding award proposal. The council also shall provide notice of any loan, grant or other funding award proposal review to the loan, grant or other funding award applicant not less than five days before the review hearing.¶¶~~

~~(4) The public may contact the Department for available information with respect to prospective council review of loan, grant or other funding award proposals by telephoning (503) 986-2000 or addressing written correspondence to: Oregon Housing and Community Services Department, 725 Summer Street NE, Suite B, Salem OR 97301.¶¶~~

~~(5) Procedural rules addressing other programs administered by the department are included, where applicable, in other divisions of this chapter. Additional procedural rules with respect to the review and approval of housing grants, loans and other funding awards also may be included, where applicable, in other divisions of the chapter. Statutory/Other Authority: ORS 90.630, ORS 90.771, ORS 90.800, ORS 183.675, ORS 315.271, ORS 317.097, ORS 446.525, ORS 456.515, ORS 458.210, ORS 458.405, ORS 458.505, ORS 566.310, ORS 757.612, ORS 90.775, ORS 90.840, ORS 446.543, ORS 456.725, ORS 458.365, ORS 458.460, ORS 458.740, ORS 566.350, ORS 757.617 Statutes/Other Implemented: ORS 90.630, ORS 90.771, ORS 90.800, ORS 183.675, ORS 315.271, ORS 317.097, ORS 446.525, ORS 456.515, ORS 458.210, ORS 458.405, ORS 458.505, ORS 566.310, ORS 757.612, ORS 90.775, ORS 90.840, ORS 446.543, ORS 456.725, ORS 458.365, ORS 458.460, ORS 458.740, ORS 566.350, ORS 757.617~~

REPEAL: 813-001-0009

RULE SUMMARY: Repealing outdated and redundant language that is in statute. This information will now be found within OAR 813-005-0050.

CHANGES TO RULE:

~~813-001-0009~~

~~Adopting Attorney General's Model Rules ¶¶~~

~~The Housing and Community Services Department adopts as its rules of procedure the Model Rules of Procedure as promulgated by the Attorney General of the State of Oregon under the Administrative Procedures Act and in effect on April 1, 2014.¶¶~~

~~(1) Pursuant to ORS 183.341, Oregon Housing and Community Services adopts by reference the Attorney General's Model Rules of Procedures for Contested Cases (OAR 137-003) in effect April 1, 2014, as they may be amended from time to time.¶¶~~

~~(2) Pursuant to ORS 183.341, Oregon Housing and Community Services adopts by reference the Attorney General's Model Rules for Rulemaking (OAR137-001) in effect January 1, 2023, as they may be amended from time to time.¶¶~~

~~[ED. NOTE: The Attorney General's Model Rules of Procedure are available from the office of the Attorney General or the Housing and Community Services Department.]~~

~~Statutory/Other Authority: ORS 183.341, OL 1999 Ch. 849~~

~~Statutes/Other Implemented: ORS 183.025, ORS 183.090, ORS 183.310~~

REPEAL: 813-001-0011

RULE SUMMARY: Repealing outdated and redundant language that is in statute. This information will now be found within Division 5.

CHANGES TO RULE:

~~813-001-0011~~

~~Waiver~~

~~The Director may waive or modify any requirements of OAR 813, division 001, unless such waiver or modification would violate applicable federal or state statutes or regulations.~~

~~Statutory/Other Authority: ORS 91.886, 183, 456.555~~

~~Statutes/Other Implemented: ORS 90.800 – 90.840, 91.886, 456.515, 456.725, 458.005 – 458.740~~

REPEAL: 813-001-0060

RULE SUMMARY: Amending outdated and redundant language that is in statute. All of the department's general rules will be found within Division 5, model rules are referenced within OAR 813-005-0050.

CHANGES TO RULE:

~~813-001-0060~~

~~Lay Representative, Contested Cases Involving Civil Penalty ¶¶~~

~~(1) Subject to the approval of the Attorney General, an officer or employee of the Department is authorized to appear on behalf of the Department in a contested case hearing conducted by the Department or by the Office of Administrative Hearings on a civil penalty assessed by the Department against a landlord or owner of a manufactured dwelling park pursuant to ORS 90.736.¶¶~~

~~(2) A representative of the Department under section (1) of this rule may not make legal argument on behalf of the Department, including an argument on any of the following:¶¶~~

~~(a) The jurisdiction of the Department to hear the contested case;¶¶~~

~~(b) The constitutionality of a statute or rule or the application of a constitutional requirement to the Department or an agency generally; or¶¶~~

~~(c) The application of court precedent to the facts of the particular contested case proceeding.¶¶~~

~~(3) A representative of the Department under section (1) of this rule may do any of the following:¶¶~~

~~(a) Examine and cross-examine witnesses;¶¶~~

~~(b) Present motions, evidence and factual arguments; and¶¶~~

~~(c) Present arguments on any of the following matters:¶¶~~

~~(A) The application of a statute or rule to the facts in the contested case;¶¶~~

~~(B) Comparison of prior actions of the Department in handling similar situations;¶¶~~

~~(C) The literal meaning of a statute or rule directly applicable to an issue in the contested case; and¶¶~~

~~(D) The correctness of procedures being followed in the contested case hearing.~~

~~Statutory/Other Authority: ORS 183.452, ORS 90.736~~

~~Statutes/Other Implemented: ORS 183.452, ORS 90.736, ORS 90.732, ORS 205.125, ORS 446.515, ORS 446.547~~

AMEND: 813-005-0001

RULE SUMMARY: Updating purpose statement to align with general rule clean up efforts and intended use of Division 5 of Chapter 813.

CHANGES TO RULE:

813-005-0001

General Purpose ¶

OAR chapter 813, division 5, ~~is promulgated to accomplish the purpose of describing certain common terms, defines common terms, and describes policies and procedures with respect~~ related to the administration of the Housing and Community Services Department. The rules set forth in this division apply to all Department activities unless a separate division expressly states otherwise.

Statutory/Other Authority: ORS ~~90.630, 456.555, 90.771 - 90.775, 90.800 - 90.840, 183, 315.271, 317.097, 446.525 - 446.543, 456.515 - 456.725, 458.210 - 458.365, 458.405 - 458.460, 458.505 - 458.740, 566.310 - 566.350, 757.612 - 757.617~~ 456.515 - 456.725, 183.333, 192.314

Statutes/Other Implemented: ORS ~~90.630, 90.771 - 90.775, 90.800 - 90.840, 183, 315.271, 317.097, 446.525 - 446.543, 456.515 - 456.724~~ 456.555, 458.210 - 458.365, 458.405 - 458.460, 458.505 - 458.740, 566.310 - 566.350, 757.612 - 757.617, 183.333, 192.314

AMEND: 813-005-0005

RULE SUMMARY: Updating department's general definitions to align with current business terminology and eliminate outdated or statutorily defined terms.

CHANGES TO RULE:

813-005-0005

General Definitions ¶¶

The following definitions and those in ORS Chapters 456 and 458 apply to OAR Chapter 813, unless the context indicates otherwise or the term is otherwise defined in a subsequent division:¶¶

- (1) "Accessible Unit" means a dwelling unit meeting the definition given for this term in the currently effective version of the Oregon Structural Code. The Oregon Structural Specialty Code defines Accessible Units as follows: dwelling unit or sleeping unit that complies with this code and provisions for Accessible Units in ICC A117.1. definition is provided in the Oregon Structural Specialty Code, October 1, 2022. ¶¶
- (2) "Acquisition loan" means a loan for the purpose of financing the purchase of an existing Pproject.¶¶
- (3) "Administrative costs" means all costs incurred throughout the administration of a program or project that are not directly related to the delivery of the program services or projects.¶¶
- (4) "Approved lender" means any person authorized to engage in the business of making loans of the general character of program loans, who meets the qualifications for an approved lender set forth in the applicable program rules and who contracts with OHCS the Department to make program loans.¶¶
- (5) "Approved servicer" means any person authorized to engage in the business of servicing loans of the general character of program loans, who meets the qualifications for an approved servicer set forth in the applicable program rules and who contracts with OHCS to service program loans.¶¶
- (6) "Bond" means any bond, note or other evidence of indebtedness issued to obtain funds to provide financing for a program of OHCS as provided in the Act or as further defined by statute.¶¶
- (7) "Borrower" means an eligible borrower who has received a program loan.¶¶
- (8) "Break-even occupancy" means the point in time when a project's monthly rental income meets its monthly operating expenses and debt service.¶¶
- (9) "Commitment" means the written conditional obligation of OHCS to make, purchase, service or sell a program loan or other funding award.¶¶
- (10) "Community Action Agency" or "CAA" means a private, nonprofit corporation organized under ORS chapter 65, or an office, division or agency of a political subdivision designated as a community action agency pursuant to the Economic Opportunity Act of 1964 by the U.S. Department of Health and Human Services, which meets the requirements outlined in ORS 458.505.¶¶
- (11) "Community service programs" means activities of OHCS involving the regulation, support, or direct or indirect operation of temporary or permanent placement of individuals into housing, housing stabilization, or that are otherwise defined in statute or described in subsequent divisions in this chapter.¶¶
- (12) "Conditional" means subject to relevant conditions and documents required for the reservation or award of OHCS funding.¶¶
- (13) "Construction" has the meaning provided in ORS 456.515.¶¶
- (14) "Contingency escrow account" means an account generally not to exceed 3% of the initial principal amount of the program loan, established by the sponsor in the form of a savings account, time certificate of deposit, or irrevocable letter of credit assigned to OHCS.¶¶
- (15) "Contractor" means a person or entity that is held under contract with a hiring entity, including OHCS, to provide prescribed materials, labor, or services.¶¶
- (16) "Cooperative" is a consumer housing entity formed according to the provisions of ORS Chapter 62, as amended.¶¶
- (17) "Custodian" has the meaning provided in ORS 192.311.¶¶
- (18) "Director department" means the chief administrative officer of OHCS as defined in ORS 456.515 and described in Oregon Housing and Community Services Department established under ORS 456.555.¶¶
- (19) "Division" means an organizational component or operating unit of Oregon Housing and Community Services. Organizational components within each division include:¶¶
- (a) "Section"¶¶
- (b) "Unit"¶¶
- (20) "Elderly household" means a household residing in the state of Oregon whose head is over the age of 58 or 55, as applicable.¶¶
- (21) "Eligible borrower" means a person who satisfies the criteria to receive a program loan as set forth in the applicable program rules, statutes or OHCS orders.¶¶

(221) "Escrow payments" means the monthly payments made by the sponsor or borrower and placed in an escrow reserve account for the payment of property taxes, insurance premiums and reserve for replacements and other identified costs as required by OHCS in accordance with the program loan.¶

(232) "Funding documents" means any and all documents required by OHCS to document a housing grant or other funding award or reservation commitment including, but not limited to loan agreements, regulatory agreements, operating agreements, reservation letters, guarantees or otherwise.¶

(24) "Grantee" means an entity, including but not limited to OHCS, that maintains a grant agreement with a funder to provide program services or reallocate or utilize program funding in a prescribed manner.¶

(253) "Homebuyer" is an individual who is in the process of buying a home.¶

(264) "Homeowner" is an individual who own their principal residence.¶

(275) "Housing Stability Council" or "Council" or "HSC" means the Oregon Housing Stability Council as provided in ORS 456.515, established in ORS 456.567, and described in ORS 456.555 and 456.571.¶

(286) "Housing programs" means activities of OHCS involving the financing, regulation, maintenance, or support of housing or home ownership or that are otherwise defined in statute or described in subsequent divisions in this chapter.¶

(297) "Lending department" means a commercial bank, savings and loan association, savings bank, mortgage banker Federal Housing Administration, Farmers Home Administration or other department that provides permanent or construction mortgage loans.¶

(3028) "Loan agreement" means a written agreement, typically executed at loan closing, between OHCS and a sponsor establishing the terms of any OHCS loan.¶

(3129) "Loan closing" means the disbursement by OHCS of the program loan proceeds after execution and recording of the loan documents.¶

(320) "Loan documents" means the written agreements by and between the sponsor (and possibly others) and OHCS or in favor of OHCS, typically executed at loan closing, with respect to an OHCS loan and generally including, but not necessarily limited to the promissory note, the loan agreement, the trust deed and the regulatory or operating agreement.¶

(331) "-Manufactured dwelling park" means a project consisting of individual lots and mobile homes located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee, and which complies with all ordinances, plans and codes in the area.¶

(342) "Multifamily housing" has the meaning provided in ORS 456.515.¶

(353) "Notice of Funding Availability" or "NOFA" means a notice to eligible applicants and other OHCS program stakeholders of funding availability that constitutes a solicitation document for applications.¶

(364) "Operating agreement and declaration of restrictive covenants and equitable servitudes" or "operating agreement" means a written agreement typically executed at loan closing between OHCS and the sponsor of a project under OHCS's pass-through revenue bond program and regulating the use of revenues and operation of the project, particularly with respect to tenant income and unit rent compliance by the sponsor.¶

(375) "Oregon Housing and Community Services" or "Department" or "OHCS" means the department of the state of Oregon established pursuant to ORS 456.555 and described in ORS 456.559.¶

(386) "Organization" has the meaning provided in ORS 458.610.¶

(397) "Person" means any natural or legal person.¶

(4038) "Program requirements" means the requirements with respect to any OHCS funding program including, but not limited to, as contained in or arising from applicable administrative rules; solicitation documents; funding documents; OHCS directives; federal, state and local statutes, codes, regulations or determinations; and other applicable law.¶

(4139) "Qualified housing sponsor" has the meaning provided in ORS 456.548.¶

(420) "Qualified insurer" means the Federal Housing Administration, the Veterans' Administration, or any other person who is authorized to insure or guarantee payment of loans and who is approved by OHCS.¶

(43) "Recipient" means an entity under contract with OHCS to provide program services or utilize program funding in a prescribed manner.¶

(441) "Regulatory agreement and declaration of restrictive covenants and equitable servitudes" or "regulatory agreement" means a written agreement typically executed at loan closing between OHCS and a sponsor regulating the use of revenues and operation of the project for which an OHCS loan is issued, particularly pertinent with respect to compliance by the sponsor with maintaining the status of any involved bond issue.¶

(452) "Regulatory Agreement as to Project Management" or "Management Agreement" means a written agreement typically executed at or after loan closing between OHCS, a project sponsor and, if applicable, a management agent engaged by the sponsor regulating certain aspects of project management to ensure, inter alia, accomplishment of program requirements.¶

(463) "Rent-up reserve account" means an account set up by a project sponsor and under the control of OHCS to

assure sufficient funds to pay operating expenses and debt service of the project before break-even occupancy.¶

(474) "Rental housing" has the meaning provided in ORS 456.508.¶

(485) "Replacement cost reserve account" means an account established to aid in payment for extraordinary maintenance or repair of a project or for replacement of capital items of a project as allowed by OHCS.¶

(49) "Requestor" means the person requesting inspection, copies, or other reproduction of a public record of OHCS.¶

(50) "Seed money advance" means an advance given to a qualified housing sponsor to pay preconstruction costs.¶

(516) "Service area" means the specific geographic area or region within which a grantee or subgrantee provides program services directly or by contract.¶

(5247) "Single-family residence" means a housing unit intended and used for occupancy by one household and the property on which it is located. This shall be real property located in the state of Oregon. A single-family residence may include a single-family residence, condominium unit, a dwelling in a planned unit development (PUD), or a mobile or manufactured home which has a minimum of 400 square feet of living space and a minimum width in excess of 102 inches and is of a kind customarily used at a fixed location.¶

(5348) "Solicitation" means a request by OHCS for offers, applications, proposals, statements of qualifications, or other information by individuals or entities; or the process of notifying prospective applicants, bidders, or proposers that OHCS requests such offers.¶

(549) "Solicitation documents" means all of the documents that comprise a solicitation, including, but not limited to, an Invitation to Bid, Request for Proposals, Writing for a Small Procurement, Request for Applications, Emergency Procurement, or other document issued by OHCS to invite offers from prospective applicants, bidders, or proposers.¶

(550) "Sponsor" means any person meeting the legal, financial, credit and other qualifications to be the borrower on an OHCS loan and to own and operate a project as set forth in the applicable program rules, statutes and OHCS orders.¶

(56) "Subcontractor" or "subrecipient" means a qualified entity or contractor retained by the prime contractor or recipient, or a qualified entity that is performing services or activities for a grantee or subgrantee.¶

(57) "Subgrantee" means an organization, as defined in subsection (36) above, with whom OHCS holds a contract or agreement to provide program services.¶

(581) "Targeted area" means an area in the state designated by OHCS in compliance with the requirements of Section 143(j) of the Internal Revenue Code of 1986, as amended, and approved by the United States Departments of Treasury and Housing and Urban Development.¶

(592) "Trustee" means the state treasurer or, with the approval of OHCS, a private financial institution in Oregon acting pursuant to an indenture of trust or other appropriate instrument.¶

(6053) "Veteran" has the meaning given in ORS 408.225 and also includes a person who served in the military, naval, or air service that has been discharged or released from that service and has been determined by the United States Department of Veteran's Affairs to be eligible to receive any benefit from that Department.

Statutory/Other Authority: ORS 456.72515 - 456.725, 458.505 - 458.610, 456.555

Statutes/Other Implemented: 12 CFR 541.25, 24 CFR 5.609, ~~ORS 62.015~~, ORS 86.205, ~~ORS 90.100~~, ORS 183.310, ~~ORS 197.015~~, ~~ORS 315.163~~, ORS 456.055, ~~ORS 456.270~~, ORS 515 - 456.725, 456.508, ORS 456.515, ORS 5 - 458.610, 458.505, ORS 458.61055

AMEND: 813-005-0008

RULE SUMMARY: Updating rule to include referencing the Housing Stability Council's approving authority.

CHANGES TO RULE:

813-005-0008

~~Cost Thresholds for~~ Housing Stability Council Review and Approval

(1) Oregon Housing Stability Council will review and approve items in accordance with ORS 456.515-456.725 and ORS 458.505-458.740.

(2) Pursuant to ORS 456.555, OHCS must establish, by administrative rule, the threshold property purchase price at which a single-family home ownership loan on property must be submitted by OHCS to the Housing Stability Council for approval as well as the threshold value for a housing grant or other housing funding award for multifamily housing that must be submitted by OHCS to the Housing Stability Council for review and approval.

(23) The threshold property purchase price for single-family home ownership that obligates OHCS to obtain Housing Stability Council review and approval of a proposed single-family loan is that purchase price which, when reduced by costs of purchase other than OHCS loan, is equal to or greater than 95% of the applicable area program purchase price limit.

(34) Other than funding awards described in OAR 813-005-0008(4), the threshold value with respect to the awards of funds by the Affordable Rental Housing Division for the development or preservation of a multifamily housing development (project) that obligates OHCS to obtain Housing Stability Council review and approval is: Loans, grants, and other funding award proposals arising under ORS 456. 515 to 456.725 concerning a particular multifamily housing project that, in the aggregate:

(a) Are equal to or greater than \$1,000,000,

(b) Constitute more than 50% of the total development budget for such project, provided that the total development budget of such project is \$1,000,000 or greater, or

(c) Are outside of applicable OHCS guidelines.

(45) The threshold value that obligates OHCS to obtain Housing Stability Council review and approval with respect to the award of funds deployed by the Affordable Rental Housing Division through programs arising under ORS 456.515 to 456.725 that are deliberately aligned with market responsiveness to address unforeseen shifts in market costs, such as a market cost offset fund or the Land Acquisition Program (LAP), is:

(a) An increase in the amount of loans, grants, or other funding awards to a multifamily housing project in an aggregate amount that is greater than or equal to 25% of the originally approved total development budget or initial Housing Stability Council approval for the project; or

(b) In the case of LAP, a property purchase price above \$5,000,000 where the project is otherwise consistent with ORS 456.502 and OAR 813-037-0005 through 813-037-0040.

Statutory/Other Authority: ~~ORS 456.515-725~~ ORS 456.571, 456.555, 456.569

Statutes/Other Implemented: ~~ORS 456.571~~, 456.555

REPEAL: 813-005-0020

RULE SUMMARY: This manual is included in Division 2.

CHANGES TO RULE:

~~813-005-0020~~

~~General Policy and Guideline Manual~~

~~The General Policy and Guideline Manual, as amended from time to time, is incorporated into this division by reference and has application, inter alia, to the solicitation, review, reservation, award and documentation of housing grants and other funding awards with respect to affordable multifamily housing projects as well as to the operation and compliance of such projects with applicable habitability, affordability and other requirements irrespective of the program source of funding. The manual may be accessed online on the department's website.~~

~~Statutory/Other Authority: ORS 91.886, 317.097, 456.555~~

~~Statutes/Other Implemented: ORS 90.800–90.840, 91.886, 317.097, 456.515–456.725, 458.005–458.740~~

RULE SUMMARY: Updating protest guidance to align with current business practices.

CHANGES TO RULE:

813-005-0025

Solicitation Protests; Administrative and Judicial Review ¶

(1)(a) With respect to any solicitation conducted by the department, except as otherwise specified in division 6 or other department rules, an applicant or potential qualifying applicant may protest or otherwise challenge such solicitation process by first requesting administrative review as herein specified.¶

(b) With respect to any solicitation conducted by the department, except as otherwise specified in division 6 or other department rules, an applicant may protest or otherwise challenge any department determination or order (collectively hereinafter, "determination") related to such solicitation by first requesting administrative review as herein specified.¶

(c) A timely, qualifying request for administrative review is necessary to satisfy the conditions of this ~~section~~rule and ~~is~~ a condition precedent to judicial review consistent with ORS 183.480.¶

(d) Failure to file a timely, qualifying request for administrative review with the department will constitute a failure to exhaust administrative remedies and terminate further rights to protest or otherwise challenge the solicitation process or any related department determination, including judicial review thereof.¶

(2)(a) ~~An applicant under this section~~For purpose of this rule, an applicant is a person or entity that makes an application (including delivery to the department under the terms of the solicitation) for a department funding award pursuant to a particular department solicitation.¶

(b) ~~A~~For the purpose of this rule, a potential qualifying applicant is a person or entity that qualifies to make an application for a department funding award under the terms of a solicitation with respect to the process of which it requests administrative review consistent with the terms of this section.¶

(3)(a) ~~An applicant or potential qualifying applicant seeking to protest or otherwise challenge any aspect of a solicitation process (other than a department determination related thereto) must request review by the department within fourteen (14) days of the application due date of the solicitation.~~¶

(b) ~~An applicant seeking to protest or otherwise challenge a determination by the department related to a solicitation must request review by the department of such determination within fourteen (14) days of the applicant receiving notice from the department of that determination.~~¶

(4) ~~Any request for review under this section~~ Any request for review under this rule must be in writing, specifically identifying:¶

(a) The nature of the requestor's interest, including the facts showing how the requestor is adversely affected or aggrieved by the solicitation process or a department determination;¶

(b) The relief sought;¶

(c) Each of the grounds for review;¶

(d) An explanation for each of the grounds upon which relief should be granted; and¶

(e) Any supporting information the requestor desires to have considered by the department.¶

(5) ~~The envelope containing the request for review~~ MUST~~must~~:¶

(a) Be marked ~~PROTEST~~protest;¶

(b) Identify the solicitation number;¶

(c) Identify the closing time and date for acceptance of solicitation applications;¶

(d) Identify the department's contact person for the solicitation; and¶

(e) Be received by the department at its main Salem Office, Oregon Housing and Community Services 725 Summer Street NE, Suite B Salem, OR 97301, not later than 4:00 PM on the fourteenth(14th) day after the solicitation closing date or the applicant's receipt of notice from the department of the department determination from which review is requested, whichever due date is applicable under this section.¶

(6) ~~The applicant will be deemed~~ need to have received notice of a department determination upon the sooner of:¶

(a) Three (3) days after the department's determination is mailed to the applicant;¶

(b) Two (2) days after such determination is posted to the department's website;¶

(c) Two (2) days after the list of successful solicitation applicants is posted to the department's website; or¶

(d) One (1) day after such determination is emailed to the applicant.¶

(7) ~~The department may request additional information from the requestor with respect to its request and consider such other information as it deems appropriate.~~¶

(8) ~~The department will endeavor to provide a written response to a timely, qualifying request for review within thirty (30) days.~~¶

(9) ~~Judicial review of the department response to a timely, qualifying request for review shall be limited to those~~

grounds the requestor raised with the department in its request for review.¶

(109) The filing of a request for review, or subsequent judicial review (if any), will not preclude the department from moving forward with the solicitation or the award of funding assistance thereunder. However, the department reserves the right to delay, terminate, modify, or take other action it determines to be appropriate with respect to a solicitation or any related award of funding assistance in response to a request for review or subsequent judicial review.

Statutory/Other Authority: ORS 90.630, 90.771 - 90.775, 90.800 - 90.840, ~~183.315.271, 317.097, 446.525-446.543~~, 456.515 - 456.725, 458.210 - 458.365, 458.405 - 458.460, 458.505 - 458.740, 566.310 - 566.350, 757.612 - 757.617, 183.333, 192.314

Statutes/Other Implemented: ORS 456.515 - 456.720, 456.555

AMEND: 813-005-0040

RULE SUMMARY: Updating the department's compliance guidance to reflect current business requirements.

CHANGES TO RULE:

813-005-0040

Compliance Monitoring ¶

~~(1) A project person receiving any department assistance is subject to such reviews and field inspections that the department determines to be necessary or appropriate including, but not limited to ensuring the funding recipient's and project owner's compliance with any program requirements including, but not limited to applicable administrative rules (including incorporated compliance monitoring. The department's monitoring activities may include any action necessary or appropriate to ensure compliance with applicable statutes, administrative rules, manuals), department directives, solicitation documents, funding documents, or otherwise. The project owner shall cooperate fully with all reviews and field inspections, comply with any resulting correction direction and guidance, including, but not limited to the following activities: ¶~~

~~(a) On-site or remote records review; ¶~~

~~(b) Conducting audits; ¶~~

~~(c) On-site inspections; ¶~~

~~(d) Evaluating activities; and shall make all records available for inspection and copying. The project owner also shall provide such other information as to progress; and ¶~~

~~(e) Department-provided training or technical assistance. ¶~~

~~(2) The department may from time to time request use third parties to assist with compliance monitoring. ¶~~

~~(23) Project owners shall cooperate fully with A person who is subject to the department reviews, field inspections and other information requests including, but not limited to allowing the inspection and copying of relevant records as determined by the department. ¶~~

~~(3) Project owners shall act promptly to correct any deficiencies identified by the department as a consequence of its reviews, field inspections or otherwise upon notice by the department of same. ¶~~

~~(4) Project owners shall's compliance monitoring must cooperate fully with all compliance monitoring activities conducted by the department and any third parties and must promptly comply with any resulting correction directives. ¶~~

~~(4) A person receiving department assistance must retain financial records, supporting documents and all other pertinent records with respect to a project until six years after the project affordability period for the respective source of funding is complete, or after any relevant litigation or audit claim is resolved, whichever is later.~~

Statutory/Other Authority: ORS 91.886, 317.097, ORS 456.555

Statutes/Other Implemented: ORS 456.555, ORS 90.800 - 90.840, 91.886, 317.097, 456.515 - 456.725, 458.005 - 458.740

RULE SUMMARY: Referencing Attorney General Model Rules and lay representation allowance for contested cases.

CHANGES TO RULE:

813-005-0050

Remedies Available to the Department in Contested Cases ¶

(1) ~~If the department determines that there has been any material failure or default with respect to its~~ Pursuant to ORS 183.341, Oregon Housing and Community Services adopts by reference the Attorney General's Model Rules for Rulemaking (OAR 137-001) in effect September 1, 2025. ¶

(2) ~~Pursuant to any term, covenant or condition of the applicable solicitation document to ORS 183.341, Oregon Housing and Community Services adopts by reference the Attorney General's Model Rules of Procedures for funding documents, applicable rules, directives, or other program requirements, it may exercise~~ Contested Cases (OAR 137-003) in effect September 1, 2025. ¶

(a) ~~Subject to the approval of the Attorney General, an officer or employee of the Department is authorized to appear on behalf of the Department in a contested case hearing conducted by the Department or applicable law. Remedies include, but are not limited to rescission of funding awards, issuance of corrective orders or directives, imposition of sanctions, recapture of any tax credits, recoupment of funding, recovery for damages, specific performance, injunctive relief, declaratory actions, appointment by the Office of Administrative Hearings on a civil penalty assessed by the Department against a landlord or owner of a manufactured dwelling park pursuant to ORS 90.736.~~ ¶

(b) ~~A representative of the Department under section (1) of this rule may not make legal argument on behalf of the Department, including an argument on any of the following:~~ ¶

(A) ~~The jurisdiction of the Department to hear the contested case;~~ ¶

(B) ~~The constitutionality of a statute or rule or the application of a constitutional requirement to the Department or a receiver for the project, foreclosure of lien interests, debarment from other department agency generally; or~~ ¶

(C) ~~The application of court precedent to the facts of the particular contested case proceeding.~~ ¶

(c) ~~A representative of the Department funding, and other remedies available at law.~~ er section (2) of this rule may do any of the following: ¶

(2A) ~~The remedies—Examine and cross-examine witnesses;~~ ¶

(B) ~~Present forth in this section are cumulative and not exclusive and are in addition to motions, evidence and factual arguments; and~~ ¶

(C) ~~Present arguments on any of their rights and remedies available to the department. The following matters:~~ ¶

(i) ~~The application of a statute or rule to the facts in the contested case;~~ ¶

(ii) ~~Comparison of prior actions of the department may exercise any in handling similar situations;~~ ¶

(iii) ~~The literal meaning of all remedies available to it, and in such manner as it, in its sole discretion, determines a statute or rule directly applicable to an issue in the contested case; and~~ ¶

(iiii) ~~The correctness appropriate. No failure to exercise a remedy shall be deemed as a waiver or release of such remedy or other remedy of procedures being followed in the contested case hearing.~~ ¶

(3) Pursuant to ORS 183.341, Oregon Housing and Community Services adopts by reference the Attorney General's Model Rules for the claims upon which they are based Mediation Confidentiality (OAR 137-005-0052). ¶

(34) ~~Any waiver of a remedy or claim must be in writing and signed by an authorized representative of the department. No waiver shall be continuing in nature or affect any other remedy or claim of the department unless expressly so stated in the signed waiver.~~ Pursuant to ORS 183.341, Oregon Housing and Community Services adopts by reference the Attorney General's Model Rules for Collaborative Dispute Resolution (OAR 137-005-0020) ¶

(5) Pursuant to ORS 183.341, Oregon Housing and Community Services adopts by reference the Attorney General's Model Rules for Criminal Records Check and Fitness Determinations (OAR 137-007).

Statutory/Other Authority: ORS 91.886, 317.097, 456.555, 456.555, 183.333, 192.314

Statutes/Other Implemented: ORS 456.555, 90.800–90.840, 90.480, 183.333, 192.314, 91.886, 317.097, 456.515–456.725, 458.050–458.740

RULE SUMMARY: Updating the public record request rules to reflect current business practices and guidelines.

CHANGES TO RULE:

813-005-0055

Access to Public Records and Related Charges

(1) ~~The Administrative Rules sets forth in Chapter 813, Division 005, Section 0055 apply to all procedures for access to public records for which Oregon Housing and Community Services (OHCS) is custodian.~~

(2) ~~The Director or designee, in carrying out responsibilities of ORS 192.318, as custodian of public records, shall:~~

(a) ~~Allow access to and disclosure of the public records subject to ORS 192.311 to 192.338;~~

(b) ~~Make restrictions and take precautions necessary to protect the integrity of the records and prevent interference with the regular discharge of OHCS's duties; and~~

(c) ~~Allow for inspection of OHCS's public records during normal working days and hours at the location which the records reside, or any other reasonable location designated by the Director or designee.~~

(3) ~~A request to inspect or obtain copies of a public record of OHCS shall~~ A request to inspect or obtain copies of a record of the department must be made in writing to the ~~D~~director or designee, and ~~shall~~ must include:

(a) The name, email address and telephone number of the requestor;

(b) ~~Identifica~~A description of the records from which information is requested, if known;

(c) The time period in which the records were produced and officials involved in producing the records or other relevant information, if known;

(d) The format in which the information is needed (~~i.e., such as~~ photocopies, audio, machine readable, or electronic format, ~~etc.~~);

(e) The number of copies needed, if copies are requested; and

(f) Instruction to OHCS to certify copies, if necessary.

(4) ~~The Director or designee may waive the requirement, under paragraph (2) of this rule, for a request to be in writing, if it is determined that effective administration is aided by the waiver~~ the department to certify copies, if necessary.

(5) ~~2~~ A review of the requested records will be conducted by ~~OHCS~~ the department as necessary to determine whether the records are exempt from disclosure, in accordance with ORS 192.311 to 192.478 and any other references establishing an exemption to disclosure of public records.

(6) ~~3~~ The ~~D~~director or designee will advise the requestor, within a reasonable amount of time, whether the records may be disclosed, the date, time, and place they may be inspected or obtain copies of the records, and the estimated cost of inspection, duplication, and other related fees as described in OAR 813-005-0055(9).

(7) ~~4~~ If the requested records contain information exempt from disclosure, the requestor will be furnished a copy of the record with the exempt material redacted.

(8) ~~5~~ The ~~D~~director or designee may require and designate an OHCS employee to supervise the inspection of requested records.

(9) ~~6~~ OHCS ~~The department~~ will follow the Department Administrative Services' (DAS) established fees and miscellaneous charges for providing access to or copies of public records in paper, electronic, or other format, based on the actual costs of preparing and providing the records. Costs associated with a request for public records may include per page copy and facsimile fees, postage when applicable, staff time to locate, review, redact information exempt from disclosure, and/or transfer the material to a requested electronic or other necessary format appropriate for release fees policy and ORS 192.324(7) to estimate all public record request costs of preparing and providing the public record(s).

(10) ~~7~~ No additional fee will be charged for providing records in an alternative format when required by the Americans with Disabilities Act.

(11) ~~8~~ The ~~D~~director or designee may reduce or waive fees when the requester submits a completed the Public Interest Waiver Form, found on the ~~OHCS Public Record~~ department's website. If the waiver form contains missing or incomplete information, the ~~D~~department may seek clarification from the requestor.

(12) ~~9~~ All fees and charges must be paid in advance of releasing the requested public records for inspection or before photocopies are provided. Payments must be made by check or money order and made payable to OHCS and mailed to:

Oregon Housing and Community Services
Public Records Request

725 Summer St NE Salem, OR 97301.

(13) ~~10~~ To conserve and protect public resources, photocopies will be produced on recycled paper in double-sided print format whenever feasible to reduce costs and paper waste.

(141) Electronic delivery is the preferred delivery method of ~~OHCS records response~~ the department records. ¶
(152) Records request fees will only apply to the review and redaction of the first public records request ~~for~~
~~records.~~ Any s. Subsequential public records requests, for the same records, will not result in any invoicing fees as
the records have previously been reviewed by the department and made available for public disclosure.
Statutory/Other Authority: ORS 192.318, ORS 192.430, ORS 456.555
Statutes/Other Implemented: ORS 192.311, ORS 192.355, ORS 192.338

REPEAL: 813-005-0060

RULE SUMMARY: This information is detailed within contracting.

CHANGES TO RULE:

813-005-0060

~~Transfer of Recipient, Assistance or Ownership; Subordinate Liens; Encumbrances~~

~~(1) A recipient of any department assistance or owner of a project for which such assistance is provided may not transfer or allow any transfer of any interest in itself, the assistance or the project, allow a subordinate lien or otherwise encumber the project, or any portion or interest therein, unless the department first approves the transfer, subordinate lien or encumbrance in writing. Any such transfer is subject to the payment to the department of a transfer or other approval charge as required by the department. If the recipient effects or allows a transfer, subordinate lien or encumbrance without prior written approval by the department, the transfer, subordinate lien or encumbrance is voidable and remains subject to the approval or disapproval of the department and the recipient or owner responsible for allowing the transfer, subordinate lien or encumbrance and any transferees, jointly and severally, are subject to a charge by the department with respect to its review and treatment of any such event.¶¶~~

~~(2) The department may condition its approval upon such terms and conditions as it, in its sole discretion, may require. Factors the department may consider in determining whether or not to give approval to a transfer, subordinate lien or encumbrance include, but are not limited to:¶¶~~

~~(a) The financial investment of the department in the project;¶¶~~

~~(b) Preservation of existing housing;¶¶~~

~~(c) The transferee's ability to maintain and manage the project for the needs of the residents, the integrity of the housing and as security for the assistance;¶¶~~

~~(d) The effect of the transfer, subordinate lien or encumbrance upon the financial integrity of the project, repayment of the assistance, use of the project for its intended purposes, and continuity of the program requirements; and¶¶~~

~~(e) Continued compliance with program requirements.~~

~~Statutory/Other Authority: ORS 91.886, 317.097, 456.555~~

~~Statutes/Other Implemented: ORS 90.800 - 90.840, 91.886, 317.097, 456.515 - 456.725, 458.005 - 458.740~~

REPEAL: 813-005-0070

RULE SUMMARY: Fees may be applied per ORS 291.055.

CHANGES TO RULE:

~~813-005-0070~~

~~Fees and Charges-~~

~~The department may require the payment of such fees and charges as it determines appropriate with respect to the administration of its housing programs and program requirements including, but not limited to the solicitation, award, documentation and use of department funding assistance and correlation with other funding partners and resources, acquisition, development, construction, rehabilitation and operation of projects assisted with department funding assistance, ongoing compliance monitoring and enforcement of financial, affordability, and habitability requirements, transfers, subordinate liens and encumbrances.~~

~~Statutory/Other Authority: ORS 91.886, 317.097, 456.555~~

~~Statutes/Other Implemented: ORS 90.800 - 90.840, 91.886, 317.097, 456.515 - 456.725, 458.005 - 458.740~~