

OREGON HOUSING AND COMMUNITY SERVICES

Oregon Affordable Housing Tax Credit Rules Advisory Committee



January 20, 2026

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Welcome and Introductions



- Name
- Organization
- What connections do you have to the OAHTC program?
- What is a rule that you live by?

Process Agreement

Seek common ground and understand divergence

- Practice “Yes, And” to build on ideas.
- Be clear and productive when you share differing experiences and opinions.

Share airtime

- Practice WAIT: Ask yourself, “Why am I talking?” Or “Why aren’t I talking?”

Active virtual participation

- Make sure your name is accurate
- Use chat and Q&A functions
- Respond to polls
- Minimize multi-tasking

Take care of yourself

Active Virtual Participation and Zoom Logistics

Audio

- Please keep yourself muted when not talking
- Unmute yourself when called on or during open discussion

Chat

- Use chat to ask questions in real time

Raise hands

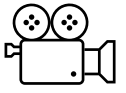
- During discussion, use the raise hand feature to signal you have something to say



Talking head icon

- This prompt will show when we most want your feedback

What We'll Be Covering Today



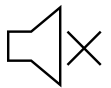
OHCS overview



What is rulemaking and why does it matter?



Proposed rules review



Draft impact statements discussion

How OHCS Works



Working together to serve individuals,
families, and communities throughout Oregon

Helping Oregonians Across the Housing Continuum

Housing
Stabilization



Affordable Rental
Housing



Homeownership



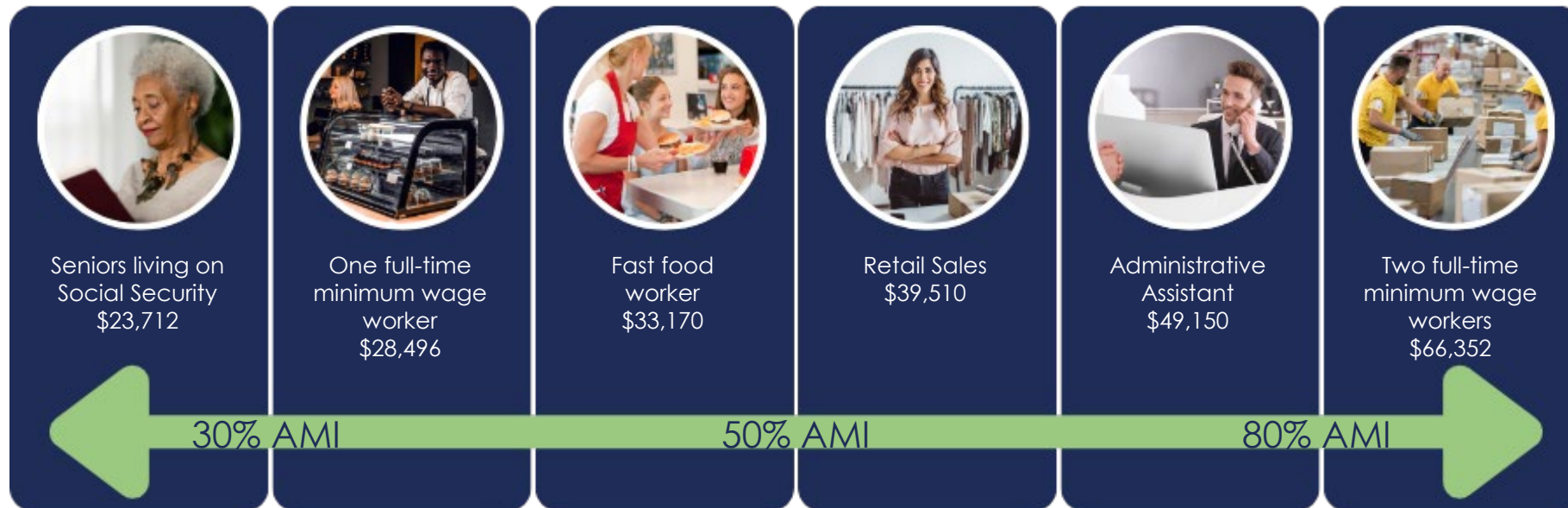
Disaster Recovery
and Resilience



Equity and Racial Justice

Whom Do OHCS Programs Serve?

Individuals and families who struggle to access affordable housing, mainly those living below area median income. This includes:



Affordable housing = 30% or less of gross income spent on housing



Rules Put Laws Into Action

Why Are You Here?

Spirit of the Law - Greater public involvement in policy development is one goal of rulemaking under the APA. Oregon law encourages agencies to go beyond these minimum requirements and engage the public in rulemaking through collaboration and consultation. The Legislative Assembly encourages agencies to seek public input to the maximum extent possible before giving notice of intent to adopt a rule. ORS 183.333(1) & 183.502(1)

- You have been invited to represent the interests of people who would likely be affected by this rule.
- We intentionally chose this group based on your lived experience or industry expertise
- Your recommendations will be presented to our executive leadership with the final rule draft and filed with the Secretary of State.



Oregon Affordable Housing Tax Credit

The What

Implementing legislative changes within HB 2087 and HB 3236 (2025)



Proposed Rule Text

- **Purpose (Section 0005)**

- Clarified scope: includes construction, acquisition, rehabilitation, and refinancing.

- **Definitions (Section 0010)**

- “Project” definition streamlined (removed “one or more units” language).
- Pass-through exceptions clarified for subsections (2), (3), (4).

- **Loan Requirements (Section 0013)**

- Language simplified for clarity (e.g., “Uses the proceeds” vs. “Used”).
- Pass-through rules tightened:
 - No assignment to project-based voucher units.
 - Limited assignment for tenant-based vouchers.
- Calculation of per-unit pass-through clarified.
- Manufactured dwelling park threshold remains **30%** (previous draft had 60%).
- Preservation projects and rent assistance covenant requirements retained.
- **25% minimum rent-assistance coverage** reaffirmed.

- **Application Requirements (Section 0015)**

- Updated NOFA to **ORCA process**.
- Clarified demonstration requirements for occupancy and pass-through.

- **Review & Reservation (Section 0020–0021)**

- Conditions for rescission simplified.

- **Charges & Monitoring (Section 0030–0031)**

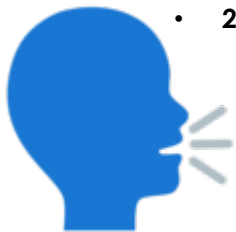
- Annual report due **May 31** (previously May 1).
- Late fee clarified: \$100 per month.

- **Use & Transfer (Section 0037)**

- Term clarified: **20 years** (or 30 years for USDA RD projects).
- Early payoff ends future credits.

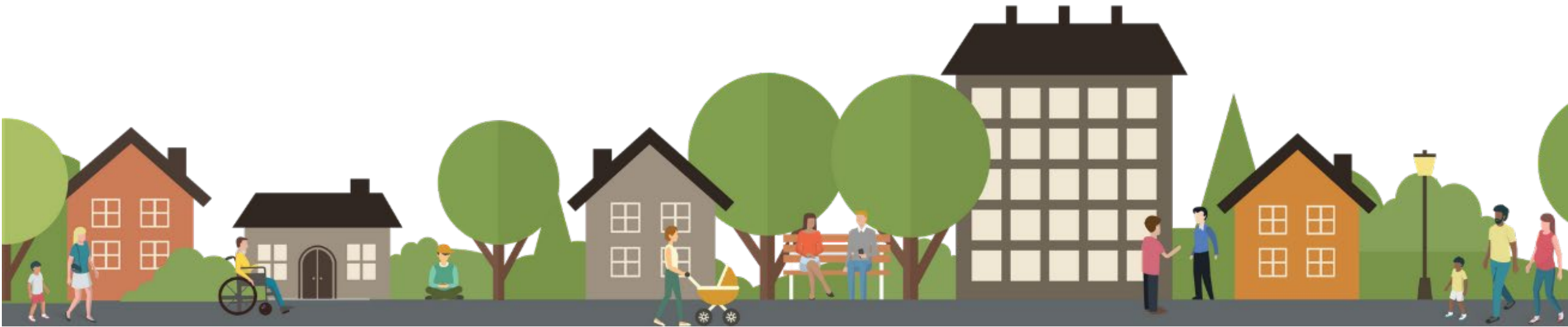
- **Waiver (Section 0050)**

- Director authority reaffirmed; cannot violate statute or federal regs.



Are there any clarifying questions?





Questions for the Committee

Draft Fiscal and Economic Impact Statements

- **Question 1:** Identify whether the rules will have a fiscal impact, either negative or positive, on state agencies, local government, or the public, and if so, the extent of the impact.
 - **Response:** There is no known negative fiscal impact to state agencies, local government or the public within these proposed rule changes. This amendment will allow the OAHTC program to continue to operate and elevate financial burdens through the state by supporting affordable housing developments.



Does this statement align with your perspective?



Draft Small Business Impact Statements

- **Question 2:** Identify whether the rules will have a significant adverse impact on small businesses. What can be done to mitigate the impact on small businesses?
 - **Response:** We do not believe there will be a significant adverse impact on small business.
- **Question 3:** Estimate the number of small businesses subject to these rules, identify types of businesses and industries with small businesses subject to these rules.
 - **Response:** There is no known involvement with small business for the OAHTC program.
- **Question 6:** Describe how OHCS involved small businesses in the development of these rules.
 - **Response:** Small businesses and other stakeholders will be involved with the Rules Advisory Committee to provide feedback on the proposed changes.



Does this statement align with your perspective?



Draft Impact Statement on Compliance

- **Question 4:** Describe the projected reporting and other administrative activities required for compliance, including costs of professional services.
 - **Response:** Some OAHTC recipients may utilize professional services for some or all of these processes though OHCS is also charged with providing some level of support.
- **Question 5:** Identify equipment or supplies, labor and increased administration required to comply with rules.
 - **Response:** OAHTC recipients are not projected to have any cost associated with supplies, labor or administration to comply with these proposed rule changes.



Does this statement align with your perspective?

Draft Racial Equity Impact Statement

- **Question 7:** Describe how you represent the community impacted by these rule changes. What are the racial equity impacts with these rule changes?
 - **Response:** This program provides housing resources to support for very low, low and moderate income families. As communities of color are overrepresented in these income areas, it is believed this program will positively affect racial equity in the state.

*the current rule changes are not expected to further impact the state's racial equity.



Does this statement align with your perspective?





Hearing Your Perspectives: Fiscal Impact Statements

- Joni (40:10) - Elevate financial burdens? Just seems a little wonky.
Is that just like making the agency know that projects are struggling? So that's just a little unclear and actually there is a positive potential impact of the government to the extent that you know right size incorrect. The size of loans for projects, you're reducing the risk of loss of the housing and even loss of subsidies that have already gone into the into the projects and I think that's a pretty big impact.
- Erik - it also could reduce the necessity of additional funding going into projects.
- Erik (53:43): late thought, but just thinking about the public and what Kevin was saying earlier about the rent pass through requirement. It does have a potential impact on tenants, right? Like that it doesn't actually discount the rents.
- Joni: for existing residents that stay in place, there's no impact, but for new residents coming in, they'll be coming in a market rate. So there'll be a a loss of those lower income units over time as a practical impact.
- Joni: That's where you're gaining revenue going forward, which means from a a market standpoint, there are fewer lower rent units available.

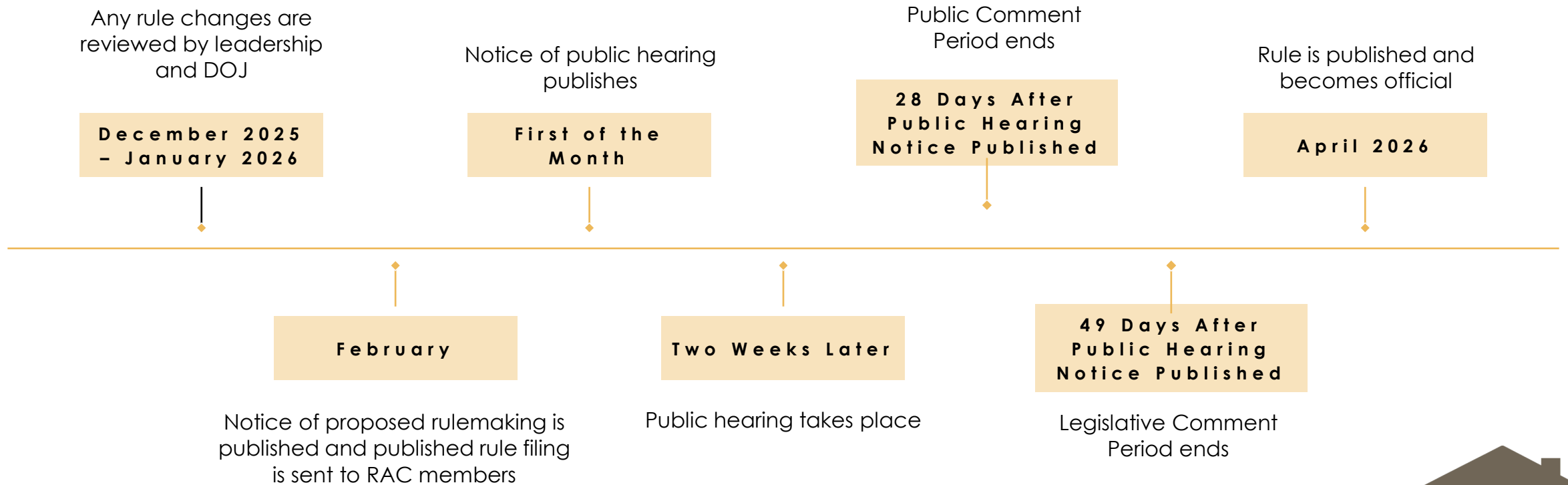
Small Business impact statements

- #2 adversely impact on small business (42:11)
- Erik: you're reaching out to small businesses like nonprofits, Community Action agencies and whatever, so it will have an impact on those folks, right? Like helping stabilize their portfolios, things like that.
- #3 estimate the number of small businesses impacted (42:33)
- Joni: you're including nonprofits, you know within the definition of small businesses, then yes, there's impact with OHTCS.
- Jaci: Some of the housing authorities, nonprofits, even some of the local developers or landlords and things like that, that we work with some of those organizations that aren't really outwardly seen as small business, but the way that the definition defines this for our rules purposes is an organization with 50 or less.
- Kevin: housing authorities like Homes for good home, Ford, Washington, Clackamas and Salem has, I think 56 employees now, so anything smaller than that, I would just put all those housing authorities in there. So I think there's 22, so what is it 5 - 22? That's at least 17. And then you start adding in a bunch of smaller sponsors and things like that, would say there's probably 150.
- Joni: I'm just thinking of some of the resident owned coops as well. Some of the manufactured home parks.
- Martin: We will update that.

Cost of Compliance/ Administrative impact statements

- #4 administrative activities required for compliance, including costs of professional services (45:46)
- Joni: on the asset management side, you know, getting rid of pass through actually, you know, reduces the administrative burden would be my assumption.
- Erik: Noah is a CDFI and in our role we're also available for technical assistance. That's something we're supposed to do.
- Liz: I know that some of the local voucher programs are not guaranteed to last as long as the loans. so if that voucher program sunsets, for example, 10 years into an OHTC loan, and the project isn't, would the project continue to be eligible? because it had had the vouchers once. Those vouchers sunset or will that eligibility go away and they'll have to start demonstrating pass through?
- Martin: My answer without this is may be subject to change, but the way we would normally do it is we would accept the status from whatever it was when we recorded the declaration versus you know if it was passed or exempt it stays passed through exempt once it's recorded as such because that's in the declaration. yeah, they would maintain their exemption.
They wouldn't have to suddenly pass through the savings 10 years in, though. I'm going to make a note of that and make sure that's clear in in the manual.

Next Steps and Estimated Timeline



Note: Dates will be pushed back if drafting, review or public comment period takes longer than anticipated.



Thank You!

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COMMUNITY SERVICES