



## **Report to the 81<sup>st</sup> Legislative Assembly: Rulemaking Activity (January 2019 - December 2019)**

January 31, 2020

[ORS 183.403](#) requires all state agencies to make a reporting of rulemaking actions that adopt, amend, or repeal rules. In addition, agencies are required to provide a statement of need and explanation for the use of temporary rulemaking. OHCS strives to selectively use temporary rulemaking, and the appendix of this report details the need for each temporary rulemaking.

The following records of all rulemaking performed by OHCS are for the 2019 Calendar Year. A copy of this report shall be made available by Nicole Stoenner ([Nicole.R.Stoenner@oregon.gov](mailto:Nicole.R.Stoenner@oregon.gov)).

### **January 1, 2019 – December 31, 2019**

OHCS adopted, amended, or repealed/suspended a total of 163 rules.

- 6 rules adopted (0 temporary)
- 138 rules amended (3 temporary)
- 19 rules repealed (0 temporary suspended)

These rulemakings impacted 20 divisions and programs.

- Community Services Block Grant Program
- Descriptive and Procedural Rules
- Elderly Rental Assistance Program
- Emergency Housing Assistance Program
- Emergency Solutions Grant
- General Rules
- Home Ownership Assistance Program
- Housing Choice Landlord Guarantee Program
- Housing Stabilization Program
- Individual Development Accounts
- Land Acquisition Loan Program
- Low Income Home Energy Assistance Program
- Low Income Rental Housing Fund Program



## 2019 Rulemaking Activity Report

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- Low Income Weatherization Assistance Program
- Oregon Energy Assistance Program
- Oregon Multifamily Energy Program
- Rent Guarantee Program
- State Home Oil Weatherization Program
- State Homeless Assistance Program
- Wildfire Damage Housing Relief Program



**Appendix**

**Appendix A – January 1, 2019 – December 31, 2019 Rulemaking Details**



# Oregon Housing and Community Services Department

## Administrative Rules Annual Report

### HB 4106 (2016 Session)

Report contains rules filed during calendar year January 01, 2019 and December 31, 2019

#### Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]

Adopted	6
Amended	135
Repealed	19

#### Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]

Adopted	0
Amended	3
Suspended	0

**OHCS 1-2019**

**Filed: 04/05/2019 7:41 PM**

813-037-0005

Amend

#### Statement of Need

The LAP program has been open since November of 2018 and no applications have been submitted to OHCS as of this date. In conversations with our partners, they felt that the land appraisal requirements are a barrier and causing the slow utilization of funds. It was determined that the application process should be updated to remove this requirement without negatively affecting program integrity. The rule change is therefore necessitated to update the manual and application materials.

#### Justification

OHCS currently targets access to the LAP Program fund set-asides to rural communities. This rural targeted approach expires for one of the funding sources in May 2019. Without utilizing a Temporary filing, rural homeownership applications would be competing for dollars with urban areas of the state prior to the change taking place. OHCS feels it is important to allow rural communities an opportunity to apply under the new streamlined process prior to expiration of the rural target time frame.

**OHCS 42-2019**

**Filed: 12/31/2019 2:30 PM**

813-200-0005

Amend

#### Statement of Need

Updating the Social Security COLA and Medicare Part B premium for the calculator in the manual. This change needs to go into effect immediately because of the Social Security Administration's calendar year change.

#### Justification

These updates are from the SSA, not the state, and they are not negotiable. If we do not implement these changes, failure to amend the rule would cause the program to be out of compliance. Some applicants might not be able to qualify for the program without this information. We cannot calculate gross income without this information, which is the reason for the calculator to begin with. The calculator has to be available at this point in time to be able to effectively qualify applicants and stay within program compliance.

OHCS 43-2019

Filed: 12/31/2019 2:31 PM

813-202-0005

Amend

**Statement of Need**

Updating the Social Security COLA and Medicare Part B premium for the calculator in the manual. This change needs to go into effect immediately because of the Social Security Administration's calendar year change.

**Justification**

These updates are from the SSA, not the state, and they are not negotiable. If we do not implement these changes, failure to amend the rule would cause the program to be out of compliance. Some applicants might not be able to qualify for the program without this information. We cannot calculate gross income without this information, which is the reason for the calculator to begin with. The calculator has to be available at this point in time to be able to effectively qualify applicants and stay within program compliance.