

OFFICE OF THE SECRETARY OF STATE

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SECRETARY OF STATE

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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 330
DEPARTMENT OF ENERGY

FILED

11/24/2021 9:25 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Establishing wildfire recovery energy efficiency incentive program and providing procedures for program administration.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/07/2022 5:00 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.

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First Floor
Salem, OR 97301

Filed By:
James Cogle
Rules Coordinator

HEARING(S)

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

DATE: 01/05/2022

TIME: 4:00 PM - 5:00 PM

OFFICER: James Cogle

ADDRESS: James Cogle

550 Capitol Street NE

First Floor

Salem, OR 97301

SPECIAL INSTRUCTIONS:

The ODOE building is currently closed to the public, although the agency is open and continues to serve the public. This public hearing will be conducted remotely via teleconference. ODOE will provide information on its website on how to connect to the public hearing by internet and telephone:

<https://www.oregon.gov/energy/Get-Involved/Pages/EEWR-Rulemaking.aspx>

NEED FOR THE RULE(S)

Oregon House Bill 5006 (2021) established a program for incentivizing energy efficient rebuilding of residential and commercial structures destroyed during the 2020 Labor Day wildfires. These rules are needed to provide the procedures to implement the program.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Oregon Laws 2021, chapter 669 (House Bill 5006):

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB5006>

Oregon Laws 2021, chapter 217 (House Bill 2289):

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB2289>

FISCAL AND ECONOMIC IMPACT:

The Department anticipates that the incentive program implemented by the rules will lower rebuilding costs for property owners who build to the current version of the state building code that is applicable to their structure, or who build to a higher efficiency energy code, or who purchase a more energy efficient manufactured home, or install a heat pump in their replacement manufactured home. The Department anticipates minimal fiscal impact to local governments, contractors, and property owners for providing documentation to the Department in order to apply for incentives and verify completion of rebuilding projects. The proposed rules would have a fiscal impact on the Department as it is administering the program, though the cost for administering the program was included in the funding allocation.

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).

(1) The Oregon Department of Energy and local governments in areas where buildings were destroyed by the 2020 wildfires will have a cost of compliance with the rules.

The owners of structures that were destroyed or damaged are anticipated to be positively impacted by the rule should they choose to participate in this program. Contractors who carry out rebuilding or installation work may also be positively impacted.

(2) (a) An unknown number of contractors may be affected. (b) There are minimal expected costs to contractors for compliance with rule other than to assist completing, or complete, an application for an incentive. (c) There are no, or minimal, anticipated cost of professional services, equipment supplies, labor and increased administration.

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

It was possible for small business representatives to attend any of the public meetings held during the Department's stakeholder outreach.

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

A series of community outreach meetings were conducted focusing on the Oregon Coast, the McKenzie Pass, the Santiam Canyon, and Southern Oregon. A final statewide meeting was held to outline the rulemaking process. As such it was not deemed necessary to consult a rule advisory committee.

HOUSING IMPACT STATEMENT:

As required under ORS 183.530 and 183.534, the Department has considered the potential impact of these rules and believes these rules will cause no impact to the following costs for developing a typical 1,200 square foot detached single-family dwelling on a 6,000 square foot parcel of land:

- (1) materials and labor costs
- (2) administrative construction or other costs
- (3) land costs, or
- (4) other costs

The rules in Division 260 implement a voluntary incentive program, which the developer or owner of an eligible single-family dwelling is not required to comply with or participate in. Contractors and property owners must provide documentation to the Department in order to apply for incentives and verify completion of rebuilding projects. However, the Department has worked with stakeholders to ensure that the documentation required is already

produced in the process of rebuilding a structure, and will involve minimal cost in order to supply the information to the Department.

RULES PROPOSED:

330-260-0000, 330-260-0010, 330-260-0020, 330-260-0030, 330-260-0040, 330-260-0050, 330-260-0060, 330-260-0070, 330-260-0080, 330-260-0090, 330-260-0100, 330-260-0110

ADOPT: 330-260-0000

RULE SUMMARY: OAR 330-260-0000 is a statement of purpose for Division 260 rules. The rules establish procedures to implement an incentive program for owners of commercial and residential properties that were destroyed in the Labor Day 2020 wildfires to incorporate energy efficiency as they rebuild affected structures. OAR 330-260-0000 provides a reference to Oregon Laws 2021, chapter 669 (House Bill 5006) which established the incentive program and to Oregon Laws 2021, chapter 217 (House Bill 2289) which provides the basis for program eligibility.

CHANGES TO RULE:

330-260-0000

Purpose

(1) These rules implement an incentive program established by Oregon Laws 2021, chapter 669 (House Bill 5006) for the energy efficient rebuilding of structures damaged or destroyed in the 2020 wildfires. The rules provide procedures for: submitting rebate application requests, incentive amounts, agency review of reservation and rebate requests, and agency audits and inspections to ensure compliance.¶

(2) Eligibility of applicants and their structures for the incentive program is based on Oregon Laws 2021, chapter 217 (House Bill 2289) Section 2(1) and (3).

Statutory/Other Authority: ORS 469.040, Oregon Laws 2021, chapter 669 (House Bill 5006)

Statutes/Other Implemented: Oregon Laws 2021, chapter 669 (House Bill 5006)

ADOPT: 330-260-0010

RULE SUMMARY: OAR 330-260-010 contains definitions of terms used in the energy efficiency wildfire recovery incentive program rules.

CHANGES TO RULE:

330-260-0010

Definitions

For the purposes of this division, the following definitions apply:¶

(1) "Department" means the Oregon Department of Energy.¶

(2) "Director" means the director of the Oregon Department of Energy.¶

(3) "Household" means all individuals who reside in the place of residence, including all family members and roommates who are not related and not part of a separate lease agreement.¶

(4) "Manufactured dwellings" are factory-built residential structures constructed to federal manufactured housing construction safety standards and installed in accordance with an Oregon-approved installation code (see ORS 446.003). Manufactured dwellings are not prefabricated structures as defined in ORS 455.010.¶

(5) "Multifamily housing structure or facility" means a structure or facility that is established primarily to provide housing that provides three or more living units, and may also provide facilities that are functionally related and subordinate to the living units for use by the occupants in social, health, educational or recreational activities.¶

(6) "Owner" means the legal owner of the structure.¶

(7) "Utility incentive" means financial assistance that lowers the capital cost of a residential or commercial structure or heat pump system and that is provided directly from an electric utility as defined in ORS 757.600 or from funds provided by the Energy Trust of Oregon pursuant to ORS 757.612.

Statutory/Other Authority: ORS 469.040, Oregon Laws 2021, chapter 669 (House Bill 5006)

Statutes/Other Implemented: Oregon Laws 2021, chapter 669 (House Bill 5006)

ADOPT: 330-260-0020

RULE SUMMARY: OAR 330-260-020 outlines the requirements for applicants to be eligible for the incentives.

CHANGES TO RULE:

330-260-0020

Structure Eligibility

To be eligible for incentives under these rules, applications must meet the following requirements:

(1) The owner must be altering, restoring, or replacing a structure in Oregon determined by the local government as having been damaged or destroyed by wildfire between August 1 and September 30, 2020. Owners building new structures on vacant property that burned are not eligible for incentives.

(2) The local government must have approved a building permit application to alter, restore, or replace a structure.

(3) A structure must be determined by a local government as meeting any applicable eligibility requirements established in Oregon Laws 2021, chapter 217 (House Bill 2289 Section 2(3)).

(4) The structure being altered, restored, or replaced must be:

(a) A detached one- or two-family dwelling or townhouse;

(b) A manufactured dwelling;

(c) A multifamily housing structure or facility; or

(d) A commercial or public building.

Statutory/Other Authority: ORS 469.040, Oregon Laws 2021, chapter 669 (House Bill 5006)

Statutes/Other Implemented: Oregon Laws 2021, chapter 669 (House Bill 5006)

ADOPT: 330-260-0030

RULE SUMMARY: OAR 330-260-0030 outlines the incentives available to eligible owners of detached one- or two-family dwellings or townhouses. Owners of detached one- or two-family dwellings or townhouses who rebuild to the current version of the Oregon Residential Specialty Code receive a base incentive, while additional incentives are available to owners deemed to be of low- or moderate-income. Owners who build to a standard listed in the rules that is above the current energy code, or who participate in home energy efficiency programs listed in the rules, are eligible for a higher level of incentive.

CHANGES TO RULE:

330-260-0030

Incentives for Detached One- and Two-Family Dwellings and Townhouses

(1) Upon completion and verification by local jurisdiction code officials of the alteration, restoration, or replacement of an eligible detached one- or two-family dwelling or townhouse to the Oregon Residential Specialty Code in effect as specified in OAR 330-260-0030(5) and as administered by Oregon's Building Codes Division and local jurisdictions, including all energy efficiency requirements, the owner shall be eligible to receive an incentive of \$3,000.¶

(2) Upon completion and verification by local jurisdiction code officials of the alteration, restoration, or replacement of an eligible detached one- or two-family dwelling or townhouse to an above current energy code building standard or participation in a utility new homes energy efficiency program as specified in OAR 330-260-0030(6), the owner shall be eligible for an incentive of \$3,000 in addition to the amount they are eligible to receive under OAR 330-260-0030(1).¶

(3) An owner that demonstrates in their application they meet low-income eligibility requirements specified in OAR 330-260-0060 shall be eligible for an additional incentive of \$4,500 if they qualify for an incentive under OAR 330-260-0030(1) but not (2).¶

(4) An owner that demonstrates in their application they meet low-income eligibility requirements specified in OAR 330-260-0060 shall be eligible for an additional incentive of \$9,000, if they qualify for an incentive under OAR 330-260-0030(2).¶

(5)(a) For building permit applications submitted prior to April 1, 2021, the Oregon Residential Specialty Code in effect is the 2017 Oregon Residential Specialty Code.¶

(b) For building permit applications submitted on or between April 1, 2021, and September 30, 2021, both the 2017 and 2021 Oregon Residential Specialty Code are considered in effect and are eligible to receive incentives.¶

(c) For building permit applications submitted beginning October 1, 2021, the Oregon Residential Specialty Code in effect is the 2021 Oregon Residential Specialty Code.¶

(6) Building to, or participating in, one of the following above energy code building standards or programs qualifies the owner for an incentive under OAR 330-260-0030(2):¶

(a) 2021 Oregon Residential Reach Code (ORRC).¶

(b) Energy Trust of Oregon's Energy Performance Score Program.¶

(c) Bonneville Power Administration's Single Family New Construction Performance Path.¶

(d) Consumer Owned Utility energy efficiency new homes program verifying homes are 10 percent more energy efficient on a site energy consumption basis.

Statutory/Other Authority: ORS 469.040, Oregon Laws 2021, chapter 669 (House Bill 5006)

Statutes/Other Implemented: Oregon Laws 2021, chapter 669 (House Bill 5006)

ADOPT: 330-260-0040

RULE SUMMARY: OAR 330-260-0040 outlines the incentives available to owners of eligible commercial or public buildings, or multifamily housing structures or facilities. Owners of commercial or public buildings, or multifamily housing structures or facilities, who rebuild to a standard listed in the rules that is above the current energy code, or participate in a commercial building energy efficiency program that is listed in the rules, are eligible for a higher level of incentive.

CHANGES TO RULE:

330-260-0040

Incentives for Commercial and Public Buildings and Multifamily Housing

(1) Upon completion and verification by local jurisdiction code officials of the alteration, restoration, or replacement of a commercial or public building, or multifamily housing structure or facility, to the Oregon Structural Specialty Code in effect as specified by OAR 330-260-0040(3) and as administered by Oregon's Building Codes Division and local jurisdictions, including all energy efficiency requirements, the owner may be eligible for the following incentives:¶

(a) \$3,000 for commercial or public buildings, or multifamily housing structures or facilities, 25,000 square feet or less in conditioned space.¶

(b) \$4,000 for commercial or public buildings, or multifamily housing structures or facilities, 25,001 square feet or more in conditioned space.¶

(c) Multifamily housing providing housing to low-income households may qualify for an additional incentive. The incentive will be determined based upon the number of multifamily units in the designed structure being rebuilt. An incentive of \$500 per unit is available, not to exceed \$18,000.¶

(2) To be a qualified multifamily housing structure or facility under OAR 330-260-0040(1)(c), the owner or developer must be currently qualified under one of the following programs offered through the Oregon Housing and Community Services Department and be approved for an incentive by the Director of the Oregon Department of Energy:¶

(a) A housing capital funding offering issued through a Notice of Funding Availability.¶

(b) Low Income Housing Tax Credits.¶

(c) Oregon Multifamily Energy Program.¶

(d) Conduit/Pass-Through Revenue Bond Financing Program.¶

(e) Local Innovation and Fast Track Housing Program.¶

(f) Loan Guarantee Program and General Guarantee Program.¶

(g) Oregon Rural Rehabilitation Loan Program.¶

(h) Low Income Weatherization Assistance Program.¶

(i) Wildfire programs developed via HB 5006 of the 2021 Oregon Legislative Session.¶

(3)(a) For building permit applications submitted prior to October 1, 2021, the 2019 Oregon Zero Energy Ready Commercial Code (OZERCC) or applicable statewide alternate methods is in effect.¶

(b) For building permit applications submitted on or after October 1, 2021, the 2021 Oregon Energy Efficiency Specialty Code (OEESC) is in effect.¶

(4) Upon completion and verification of the alteration, restoration, or replacement of a commercial or public building, or multifamily housing structure or facility to an above current Oregon Structural Specialty Code energy code standard or participation in a utility commercial new buildings energy efficiency program verifying rebuilt structures are 10 percent more energy efficient or greater than code on a site energy consumption basis, as specified in OAR 330-260-0040(5), the owner may be eligible for the following incentives in addition to the amount described in OAR 330-260-0040(1):¶

(a) \$5,000 for commercial or public buildings, or multifamily housing structure or facility, 25,000 square feet or less in conditioned space.¶

(b) \$6,000 for commercial or public buildings, or multifamily housing structure or facility, 25,001 square feet or more in conditioned space.¶

(5) Qualifying above energy code building programs include:¶

(a) 2022 Oregon Commercial Reach Code (OCRC) if applicable.¶

(b) Energy Trust of Oregon's New Buildings Program.¶

(c) Bonneville Power Administration's Commercial New Construction Program.¶

(d) Consumer Owned Utility energy efficiency commercial programs verifying commercial structures are 10 percent more energy efficient or greater than code on a site energy consumption basis.

Statutory/Other Authority: ORS 469.040, Oregon Laws 2021, chapter 669 (House Bill 5006)

Statutes/Other Implemented: Oregon Laws 2021, chapter 669 (House Bill 5006)

ADOPT: 330-260-0050

RULE SUMMARY: OAR 330-260-0050 outlines the incentives available to owners of manufactured homes destroyed or damaged in the 2020 wildfires. Owners who purchase a new manufactured home that meets or exceeds the NEEM 1.1 code for energy efficiency or who are participating in one out of a list of energy efficient manufactured home replacement programs are eligible for an incentive. Additionally the rule outlines that owners who install a qualifying heat pump in either a new or previously owned manufactured home purchased to replace a manufacture home damaged of destroyed in the 2020 wildfires are eligible for an incentive.

CHANGES TO RULE:

330-260-0050

Incentives for Manufactured Dwellings

(1) Homeowners replacing a destroyed or damaged manufactured dwelling are eligible for an incentive of \$12,500 at time of purchase of a new energy efficient manufactured dwelling if:

(a) The new manufactured dwelling meets or exceeds the NEEM 1.1 code for energy efficiency; or

(b) They are participating in one of the following qualified energy efficient manufactured dwelling replacement programs:

(A) Oregon Housing and Community Services Manufactured Home Replacement Loan Program.

(B) Energy Trust of Oregon Manufactured Home Replacement Program.

(C) Bonneville Power Administration's Manufactured Home Replacement Program.

(D) Oregon Consumer Owned Utility new manufactured home program.

(2) New and previously owned manufactured dwellings purchased to replace manufactured dwellings damaged or destroyed in the 2020 wildfires may qualify for an incentive of up to \$5,000 for the installation of a new heat pump system, or by supplementing or replacing an existing heating system with a heat pump system.

(a) The appropriate heat pump system type and sizing of the system must be determined by a qualified contractor.

(b) The heat pump system must be installed by a qualified contractor, as outlined in OAR 330-260-0070, or a member of the owner's household.

(c) Heat Pump systems must have a baseline efficiency of 9.0 HSPF, SEER of 14, and be properly sized to the structure.

(d) Utility and Department incentives for installation of a new heat pump, supplementing or replacing an existing heating system may not exceed the installation cost of the system.

Statutory/Other Authority: ORS 469.040, Oregon Laws 2021, chapter 669 (House Bill 5006)

Statutes/Other Implemented: Oregon Laws 2021, chapter 669 (House Bill 5006)

ADOPT: 330-260-0060

RULE SUMMARY: OAR 330-260-0060 details the methods by which a detached one- or two-family dwelling or townhouse owner can provide proof of eligibility to receive a higher incentive under the program as a low-income homeowner. These include ODOE verifying with Oregon Housing and Community Services that the homeowner is eligible for one out of a list of OHCS programs listed in the rules, or the homeowner providing ODOE with an eligibility notice for one out of a list of programs administered by the Oregon Department of Human Services or the Oregon Health Authority listed in the rules.

CHANGES TO RULE:

330-260-0060

Low-Income Eligibility

In order to qualify for the incentive offered under the program for low-income detached one- or two-family dwelling or townhouse owners, the owner must provide proof of eligibility. Proof of eligibility must be provided in one of the following ways:¶

(1) An owner will be considered eligible if the Department verifies with the Oregon Housing and Community Services Department that the owner is currently eligible or was eligible in the three years prior to February 1, 2022, for one of the following Oregon Housing and Community Services Department programs:¶

(a) Low Income Home Energy Assistance Program (LIHEAP).¶

(b) Oregon Energy Assistance Program (OEAP).¶

(c) Low Income Weatherization Assistance Program (LIWAP).¶

(2) An owner will be considered eligible if the owner provides the Department an eligibility notice for the owner's household that has been received in the past seven months for one of the following Oregon Department of Human Services or Oregon Health Authority programs:¶

(a) Supplemental Nutrition Assistance Program (SNAP).¶

(b) Oregon Health Plan (OHP) (Medicaid).¶

(c) Children's Health Insurance Program (CHIP; this option is available only for households consisting of six or fewer people).

Statutory/Other Authority: ORS 469.040, Oregon Laws 2021, chapter 669 (House Bill 5006)

Statutes/Other Implemented: Oregon Laws 2021, chapter 669 (House Bill 5006)

ADOPT: 330-260-0070

RULE SUMMARY: OAR 330-260-0070 details how a contractor can participate in the incentive program to assist the owner of a manufactured home install a new heat pump system and the requirements for a contractor to be eligible to do this. The rule also details that an eligible manufactured homeowner who has already installed a heat pump system prior to applying to the program may be eligible for an incentive.

CHANGES TO RULE:

330-260-0070

HVAC Contractor Participation and Eligibility

(1) To participate in the incentive program and offer installations of heat pumps in rebuilding manufactured homes, a contractor must meet the eligibility requirements provided in these rules. ¶

(2) A contractor that installs a heat pump system must hold any license, bond, insurance, or permit required to install a heat pump system and submit any requested appropriate documentation to the Department to be eligible to participate in the program. The contractor performing the installation must maintain all applicable licenses, bonds, insurance or permits throughout the construction, installation, and warranty period. Identification on one of the following lists can substitute for the need to submit appropriate documentation: ¶

(a) The contractor is listed as an Energy Trust of Oregon heat pump trade ally who is currently eligible to apply for Energy Trust of Oregon incentives on behalf of customers. ¶

(b) The contractor is identified as an approved heat pump installer on a list maintained by a consumer owned electric utility as defined in ORS 757.600 serving customers in one of the 2020 wildfire impacted areas. ¶

(c) The contractor is identified as an approved ductless heat pump installer on a list maintained by the NW Ductless Heat Pump Project serving customers in one of the 2020 wildfire impacted areas. ¶

(3) The Department reserves the right to verify all applicable licenses, bonds, insurance, permits or certifications of a contractor at any time, including a contractor's status with utility or energy efficiency programs. ¶

(4) If a manufactured homeowner has replaced their manufactured home and upgraded the heating and cooling system with a heat pump system prior to applying for this incentive program, they are eligible to receive incentives from the Department up to the cost of the system minus any acquired utility rebates.

Statutory/Other Authority: ORS 469.040, Oregon Laws 2021, chapter 669 (House Bill 5006)

Statutes/Other Implemented: Oregon Laws 2021, chapter 669 (House Bill 5006)

ADOPT: 330-260-0080

RULE SUMMARY: OAR 330-260-0080 specifies the application requirements including timelines and the information required of applicants.

CHANGES TO RULE:

330-260-0080

Incentive Application

(1) The Department may begin accepting wildfire rebuilding incentive applications February 1, 2022. The Department may continue to accept new incentive applications throughout the duration of the program until all funds allocated to the program have been committed or June 1, 2023, whichever comes first.¶

(2) An incentive application must be submitted using a form specified by the Department, be completed in full, and include the following at a minimum:¶

(a) Structure owner's name.¶

(b) Site address.¶

(c) Mailing address (if different from site address).¶

(d) Telephone number and email address of owner when possible.¶

(e) Type of structure being rebuilt.¶

(f) The incentives being applied for.¶

(g) Building permit number, project tracking, sales or identification number, if applicable.¶

(h) If applicable, evidence the Department deems sufficient to demonstrate applicant meets requirements under OAR 330-260-0060 to be eligible for low-income incentives.¶

(i) If applicable, evidence the Department deems sufficient to demonstrate compliance with above code energy standards or participation in a utility new homes energy efficiency program.¶

(j) If applicable, evidence the Department deems sufficient to demonstrate eligibility for the incentive available under OAR 330-260-0050(1) for the purchase of a new energy efficient manufactured dwelling.¶

(k) Other information and documentation requested by the Department that is necessary to process and verify the application.¶

(3) In addition to the information requested in OAR 330-260-0080(2), the following information is also required on applications for incentives for heat pump system installation in manufactured dwellings:¶

(a) Appropriate information regarding existing heating system.¶

(b) Proposed heat pump system including its efficiency and configuration.¶

(c) Total installed cost.¶

(d) If applicable, participation in a utility heat pump program and utility incentives received.¶

(e) Other information and documentation requested by the Department that is necessary to process and verify the application.¶

(4) The Department reserves the right to request additional information or documentation that the Department deems necessary to process and verify the application.¶

(5) Structures must have a rebuilding permit and application submitted to ODOE by June 1, 2023, to receive an incentive.¶

(6) The Department reserves the right to verify all applicable licenses, bonds, insurance, permits, or certifications of a contractor or owner at any time.

Statutory/Other Authority: ORS 469.040, Oregon Laws 2021, chapter 669 (House Bill 5006)

Statutes/Other Implemented: Oregon Laws 2021, chapter 669 (House Bill 5006)

ADOPT: 330-260-0090

RULE SUMMARY: OAR 330-260-0090 outlines at what point in the process an incentive is reserved and the process by which an incentive application may be amended.

CHANGES TO RULE:

330-260-0090

Incentive Reservation Process

- (1) The Department will reserve the requested incentive for the owner upon receipt of a complete application form.
- (2) An owner, or contractor with the written authorization of the owner, may amend the requested incentive.
- (3) An incentive amendment application must be received prior to the Department distributing funds to the owner or June 1, 2023, whichever is earliest.
- (4) The Department will review applications to ensure all requested information is included before any incentives are released. The Department reserves the right to request additional information or documentation that the Department deems necessary to process and verify the application.
- (5) An amended incentive application must be submitted in the manner specified by the Department and include the following at a minimum:
 - (a) Structure owner's name.
 - (b) Site address.
 - (c) Mailing address (if different from site address).
 - (d) Telephone number and email address of owner when possible.
 - (e) Type of structure being rebuilt.
 - (f) The changes to the incentives being applied for.
 - (g) Building permit number, project tracking, sales or identification number, if applicable.
 - (h) Other information and documentation requested by the Department that is necessary to process and verify the change in the application.
- (6) Any increase in the level of incentive applied for is subject to the availability of funds at the date the amended application is received.

Statutory/Other Authority: ORS 469.040, Oregon Laws 2021, chapter 669 (House Bill 5006)

Statutes/Other Implemented: Oregon Laws 2021, chapter 669 (House Bill 5006)

ADOPT: 330-260-0100

RULE SUMMARY: OAR 330-260-0100 specifies that before an incentive will be paid out by the Department, a property owner must receive occupancy approval and notify the Department that the owner's structure has been rebuilt. The rule also specifies that before an incentive will be paid out by the Department, the Department must have received proof of occupancy from the local jurisdiction. The rule establishes November 30, 2024 as the deadline for project completion and notification to ODOE in order for an owner to receive an incentive.

CHANGES TO RULE:

330-260-0100

Completion and Verification

(1) To receive the incentive the owner must notify the Department that eligible structures have been rebuilt and received occupancy approval by local jurisdiction code officials.¶

(2) Rebuilding incentives will be available following Department receipt of proof of occupancy by local jurisdiction code officials.¶

(3) After Department receipt of proof of the completion and verification, from the Department, electric utility, local jurisdiction code official, or state agency representative of installation of a qualifying manufactured home, or qualifying heat pump installation in a replacement manufactured home, owners may receive their eligible incentive. ¶

(4) To receive incentives, all projects must be complete and the Department must receive notification by November 30, 2024.

Statutory/Other Authority: ORS 469.040, Oregon Laws 2021, chapter 669 (House Bill 5006)

Statutes/Other Implemented: Oregon Laws 2021, chapter 669 (House Bill 5006)

ADOPT: 330-260-0110

RULE SUMMARY: OAR 330-260-0110 details an owner's, or their contractor representative's, responsibilities with respect to: compliance with building code; utility verification inspections; and incorporation of energy efficiency measures. The rule also specifies that ODOE retains the right to inspect projects and to audit documentation for projects receiving an incentive and outlines Department procedures regarding compliance with incentive program rules.

CHANGES TO RULE:

330-260-0110

Compliance

- (1) Owners, or their contractor representatives, are responsible for completing all required building code inspections and incorporating all energy efficiency measures included in the original, or amended, plan designs.¶
 - (2) Owners, or their contractor representatives, are responsible for completing all required utility verification inspections to participate in utility above code energy efficiency programs.¶
 - (3) The Department reserves the right to conduct a physical inspection of all sites that have received an incentive and to audit all documentation relating to a project receiving an incentive.¶
 - (4) The Director may order the revocation of an incentive or portion of an incentive under the program if the Director finds that the incentive was obtained by fraud or misrepresentation, or by mistake or miscalculation by the applicant or Department. As soon as the order of revocation becomes final, the Department shall proceed to recover the incentive or portion of the incentive that is subject to the order of revocation. All moneys provided to an owner or contractor attributable to the fraudulently or mistakenly obtained incentive or portion of the incentive shall be forfeited.¶
 - (5) A person aggrieved by a decision of the Director to revoke or reduce the amount of an incentive may request a contested case hearing under ORS Chapter 183 (Administrative Procedures Act).
- Statutory/Other Authority: ORS 469.040, Oregon Laws 2021, chapter 669 (House Bill 5006)
- Statutes/Other Implemented: Oregon Laws 2021, chapter 669 (House Bill 5006)