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**PERMANENT ADMINISTRATIVE ORDER**

**DOE 2-2023**

CHAPTER 330  
DEPARTMENT OF ENERGY

**FILED**

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FILING CAPTION: Rebate and grant program for the purchase and installation of heat pumps in rental homes.

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**RULES:**

330-280-0000, 330-280-0010, 330-280-0020, 330-280-0030, 330-280-0040, 330-280-0050, 330-280-0060, 330-280-0070, 330-280-0080, 330-280-0090, 330-280-0100, 330-280-0110, 330-280-0120, 330-280-0130

ADOPT: 330-280-0000

RULE TITLE: Purpose

NOTICE FILED DATE: 11/29/2022

RULE SUMMARY: This rule is a statement of the purpose for the new Division 280 rules which implement Oregon Laws 2022, Chapter 86, Sections 19-23 (Senate Bill 1536) to establish the Oregon Rental Home Heat Pump Program.

**RULE TEXT:**

The purpose of these rules is to implement a heat pump rebate program established by Oregon Laws 2022, Chapter 86, Sections 19-23 (Senate Bill 1536). The rules provide procedures for: submitting reservation, rebate and grant requests, project and contractor eligibility, agency review of reservation, rebate, and grant requests, and agency audits and inspections to ensure compliance.

STATUTORY/OTHER AUTHORITY: Oregon Laws 2022, Chapter 86 (Senate Bill 1536), ORS 469.040

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2022, Chapter 86 (Senate Bill 1536)

ADOPT: 330-280-0010

RULE TITLE: Definitions

NOTICE FILED DATE: 11/29/2022

RULE SUMMARY: This rule provides definitions of terms used in the rules in the new Division 280.

RULE TEXT:

- (1) "Department" means the Oregon Department of Energy.
- (2) "Director" means the director of the Oregon Department of Energy.
- (3) "Heat pump" means an air-source or ground-source heat pump with an energy efficiency rating established under OAR 330-280-0040(1) or a higher efficiency rating.
- (4) "Purchase price" means the cost to purchase and install a heat pump, before considering incentives.

STATUTORY/OTHER AUTHORITY: ORS 469.040, Oregon Laws 2022, Chapter 86 (Senate Bill 1536)

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2022, Chapter 86 (Senate Bill 1536)

ADOPT: 330-280-0020

RULE TITLE: Contractor Eligibility

NOTICE FILED DATE: 11/29/2022

RULE SUMMARY: This rule outlines the requirements a contractor must meet to be eligible to participate in the program.

RULE TEXT:

- (1) In order to participate in the program, a contractor must meet the eligibility requirements provided in these rules. Once the Department has confirmed a contractor's eligibility, the contractor will receive login credentials to use the software system designated by the Department to receive and track reservation applications.
- (2) The Department may begin accepting contractor registrations May 1, 2023. The Department may continue to accept new contractor registrations throughout the duration of the program until all funds allocated to the program have been spent or the sunset of the program, whichever comes first.
- (3) A contractor must meet the eligibility requirements listed below and submit appropriate documentation to the Department. The Department shall verify the completeness and accuracy of information submitted by a contractor as part of the contractor registration process.
  - (a) A contractor that installs a heat pump, or a subcontractor that installs a heat pump on behalf of a contractor that offers heat pumps for sale, must hold any license, bond, insurance, or permit required to sell and install the heat pump. The contractor or any subcontractor performing the installation must maintain all applicable licenses, bonds, insurance or permits required throughout the installation period until the installation of the heat pump is complete.
  - (b) The contractor must have an active license with the Construction Contractors Board and no Construction Contractors Board disciplinary actions for the two years prior to the rebate reservation request.
  - (c) If applicable, the contractor must have proof of Workers' Compensation Insurance Coverage and have not been issued a non-complying employer order in the two years prior to the rebate reservation request.
  - (d) The contractor must have no Occupational Safety and Health Division violations for the two years prior to the rebate reservation request.
  - (e) The contractor must demonstrate a history of compliance with the administrative rules and requirements of the Bureau of Labor and Industries by meeting the following requirements:
    - (A) Have no final order determinations from the Labor Commissioner for the two years prior to the rebate reservation request; and
    - (B) Be absent from the list of contractors maintained by the Bureau of Labor and Industries that are ineligible to receive public works contracts.
- (4) The Department reserves the right to verify all applicable licenses, bonds, insurance, and permits of a contractor at any time.
- (5) The Department shall verify a contractor's compliance with the Construction Contractors Board, Occupational Safety and Health Division, Bureau of Labor and Industries, and if applicable, Workers' Compensation Division, prior to approving or denying a rebate reservation request. Failure to comply shall result in a denial of the rebate reservation.

STATUTORY/OTHER AUTHORITY: Oregon Laws 2022, Chapter 86 (Senate Bill 1536), ORS 469.040

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2022, Chapter 86 (Senate Bill 1536)

ADOPT: 330-280-0030

RULE TITLE: Project Eligibility

NOTICE FILED DATE: 11/29/2022

RULE SUMMARY: This rule outlines the requirements a heat pump installation and associated upgrade must meet to be eligible for the program.

RULE TEXT:

(1) To be eligible for a rebate for the sale or installation of a heat pump, the project must meet the following requirements:

(a) The heat pump must be installed by an eligible contractor. The contractor may use subcontractors in the installation of a heat pump; however, all firms and individuals working on the installation of a heat pump, whether working on behalf of the contractor or a subcontractor, must hold any license, bond, insurance, or permit required for the work performed.

(b) A contractor must submit a reservation application before installing a heat pump.

(c) The heat pump must be installed at, and serve, one of the following dwellings:

(A) A dwelling unit used as a residential tenancy, which does not include vacation occupancy or transient occupancy in a hotel or motel as defined in ORS 90.100; or

(B) A manufactured dwelling or recreational vehicle that is located in a rented space in a manufactured dwelling or recreational vehicle park.

(d) The heat pump must be installed and function to provide heating and cooling for the living area of a dwelling; a space used only for storage is not eligible.

(e) The heat pump must meet the technical specifications provided in these rules.

(f) All necessary permits must have been received from the local jurisdiction and any final inspections conducted by the authority having jurisdiction must be passed.

(g) The indoor and outdoor units must be designed to be compatible with one another according to the manufacturer's product specifications and the proposed system must match the efficiency rating test conditions. The heat pump must be Air-Conditioning, Heating, and Refrigeration Institute (AHRI) certified.

(h) The heat pump must be appropriately sized to the space or structure. This shall be assessed using Air Conditioning Contractors of America, 8th edition (2016) Manual J and 2nd edition (2014) Manual S residential load calculation methodology. Equivalent energy efficiency industry standards for sizing equipment may be accepted by the Department.

(i) The heat pump system must be installed in accordance with the manufacturer's specifications.

(j) The heat pump's auxiliary heat control must be set at or below a temperature of 35 degrees Fahrenheit, except in situations when supplemental heating is required during a defrost cycle or system failure.

(k) The heat pump system must include at least a five-year warranty against manufacturer defects.

(l) Installations of heat pump systems must include at least a one-year labor warranty covering the system.

(m) Under no circumstances will more than one rebate be issued under the program for the purchase and installation of the same heat pump.

(n) The heat pump must be new, meaning that it has not previously been used to provide heating or cooling.

(2) To be eligible for a grant for upgrades to facilitate the installation of a heat pump, the project must meet the following requirements:

(a) A rebate for the sale or installation of a heat pump must have been reserved.

(b) Upgrades must be to facilitate the installation of a heat pump. These may include:

(A) A new electrical panel or other upgrades to the electrical system of the dwelling the department determines are eligible;

(B) Mechanical upgrades to facilitate the installation of a heat pump the department determines are eligible;

(C) Other upgrades the department determines are eligible.

(c) A grant request must be approved before the work to carry out the upgrades has begun.

(d) All necessary permits must have been received from the local jurisdiction and any final inspections conducted by the authority having jurisdiction must be passed.

STATUTORY/OTHER AUTHORITY: Oregon Laws 2022, Chapter 86 (Senate Bill 1536), ORS 469.040

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2022, Chapter 86 (Senate Bill 1536)

ADOPT: 330-280-0040

RULE TITLE: Heat Pump Technical Specification

NOTICE FILED DATE: 11/29/2022

RULE SUMMARY: This rule outlines the minimum efficiency requirements for a heat pump and a higher efficiency heat pump.

RULE TEXT:

(1) A heat pump eligible to receive a rebate must meet or exceed the following requirements:

- (a) A split-system heat pump that has a Heating Seasonal Performance Factor of HSPF2 of 7.5 and a Seasonal Energy Efficiency Ratio of SEER2 14.3, or equivalent HSPF and SEER value.
  - (b) A single-package heat pump that has an HSPF2 of 6.7 and a SEER 2 of 13.4, or equivalent HSPF and SEER value.
  - (c) A closed loop water-to-air heat pump that has an EER of 17.1 and a COP of 3.6.
  - (d) An open loop water-to-air heat pump that has an EER of 21.1 and a COP of 4.1.
  - (e) A closed loop water-to-water heat pump that has an EER of 16.1 and a COP of 3.1.
  - (f) An open loop water-to-water heat pump that has an EER of 20.1 and a COP of 3.5.
  - (g) A direct geexchange heat pump that has an EER of 16.0 and a COP of 3.6.
- (2) A heat pump eligible to receive additional funds as a higher efficiency heat pump must meet or exceed the following requirements:
- (a) A split-system heat pump that has a Heating Seasonal Performance Factor of HSPF2 of 8.1 and a Seasonal Energy Efficiency Ratio of SEER2 16, or equivalent HSPF and SEER value.
  - (b) A single-package heat pump that has an HSPF2 of 8 and a SEER 2 of 16, or equivalent HSPF and SEER value.
  - (c) A ducted air source heat pump, either packed or split system that has an HSPF2 of 8.55 and a SEER2 of 16, or equivalent HSPF and SEER value.
  - (d) A closed loop water-to-air heat pump that has an EER of 18 and a COP of 3.8.
  - (e) An open loop water-to-air heat pump that has an EER of 22 and a COP of 4.3.
  - (f) A closed loop water-to-water heat pump that has an EER of 17 and a COP of 3.3.
  - (g) An open loop water-to-water heat pump that has an EER of 21 and a COP of 3.7.
  - (h) A direct geexchange heat pump that has an EER of 17 and a COP of 3.8.

STATUTORY/OTHER AUTHORITY: Oregon Laws 2022, Chapter 86 (Senate Bill 1536), ORS 469.040

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2022, Chapter 86 (Senate Bill 1536)

ADOPT: 330-280-0050

RULE TITLE: Rebate amounts

NOTICE FILED DATE: 11/29/2022

RULE SUMMARY: This rule details the maximum dollar and percentage amounts that are eligible to be claimed as a rebate.

RULE TEXT:

(1)(a) A rebate of up to \$2,000 may be claimed per dwelling unit for the purchase and installation of a heat pump that:

(A) Meets or exceeds the efficiency standards in OAR 330-280-0040(1); and

(B) Is installed in a dwelling unit used as a residential tenancy.

(b) An additional amount, up to \$1,000, may be claimed as part of the rebate in OAR 330-280-0050(1)(a) if the heat pump meets or exceeds the higher efficiency standards in OAR 330-280-0040(2).

(c) An additional amount, up to \$2,000, may be claimed as part of the rebate in OAR 330-280-0050(1)(a) if the heat pump is installed in a dwelling unit used as a residential tenancy that meets low- or moderate-income eligibility requirements in OAR 330-280-0070.

(d) The total rebate amount claimed under OAR 330-280-0050(1) may not exceed \$5,000 or 60 percent of the purchase price of the heat pump unit installed, whichever is less.

(2)(a) A rebate of up to \$2,000 may be claimed per dwelling for the purchase and installation of a heat pump that:

(A) Meets or exceeds the efficiency standards in OAR 330-280-0040(1); and

(B) Is installed in a manufactured dwelling or recreational vehicle that is located in a rented space in a manufactured dwelling or recreational vehicle park.

(b) An additional amount, up to \$2,000, may be claimed as part of the rebate in OAR 330-280-0050(2)(a) if the heat pump meets or exceeds the higher efficiency standards in OAR 330-280-0040(2).

(c) An additional amount, up to \$3,000, may be claimed as part of the rebate in OAR 330-280-0050(2)(a) if the heat pump is installed in a manufactured dwelling or recreational vehicle that meets low- or moderate-income eligibility requirements in OAR 330-280-0070.

(d) The total rebate amount claimed under OAR 330-280-0050(2) may not exceed \$7,000 or 80 percent of the purchase price of the heat pump unit installed, whichever is less.

(3) The department shall reduce the rebate amount, if the rebate combined with other incentives received for the purchase or installation of a heat pump exceeds 100 percent of the purchase price.

STATUTORY/OTHER AUTHORITY: Oregon Laws 2022, Chapter 86 (Senate Bill 1536), ORS 469.040

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2022, Chapter 86 (Senate Bill 1536)

ADOPT: 330-280-0060

RULE TITLE: Associated Upgrades

NOTICE FILED DATE: 11/29/2022

RULE SUMMARY: This rule details the maximum dollar and percentage amounts that are eligible to be claimed as a grant.

RULE TEXT:

(1) The following are the maximum amounts that may be claimed as a grant for upgrades to facilitate the installation of a heat pump in a dwelling unit used as a residential tenancy or a manufactured dwelling or recreational vehicle:

(a) When the low- or moderate-income eligibility designation in OAR 330-280-0070 is not met: \$2,000 up to 100% of the cost of eligible upgrades.

(b) When the low- or moderate-income eligibility designation in OAR 330-280-0070 is met: \$4,000 up to 100% of the cost of eligible upgrades.

(2) The department shall reduce the grant amount if the grant combined with other incentives received for the upgrades exceeds 100 percent of the costs of the upgrade.

STATUTORY/OTHER AUTHORITY: Oregon Laws 2022, Chapter 86 (Senate Bill 1536), ORS 469.040

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2022, Chapter 86 (Senate Bill 1536)



ADOPT: 330-280-0070

RULE TITLE: Low- or Moderate-Income Eligibility

NOTICE FILED DATE: 11/29/2022

RULE SUMMARY: This rule details how an owner would qualify for a rebate or grant for low- or moderate-income households.

RULE TEXT:

(1) In order to qualify for a rebate offered under the program for low- or moderate-income tenants, the owner of the dwelling where the installation will be located must provide proof of eligibility. Proof of eligibility shall be provided in at least one of the following ways:

(a) The owner provides the Department with a U.S. Internal Revenue Service or Oregon Department of Revenue tax transcript for each tax filer residing at the dwelling where the heat pump shall be installed. A tax transcript must be for the most recent tax filing year immediately preceding the current year, or the transcript for the year prior if the tax return for the most recent tax filing year has not yet been filed. A transcript must also demonstrate the household adjusted gross income is less than or equal to 100 percent of state median income adjusted for the applicable household size.

(b) The owner provides the Department an eligibility notice for the household residing at the dwelling where the heat pump shall be installed that a member of the household has received in the past seven months for one of the following Oregon Department of Human Services, Oregon Health Authority, or Oregon Housing and Community Services programs:

(A) Supplemental Nutrition Assistance Program (SNAP).

(B) Oregon Health Plan (OHP) (Medicaid).

(C) Children's Health Insurance Program (CHIP).

(D) Temporary Assistance for Needy Families (TANF)

(E) Low Income Home Energy Assistance Program (LIHEAP)

(F) Oregon Energy Assistance Program (OEAP)

(c) The owner provides proof they are currently qualified under one or more of the following programs administered by Oregon Housing and Community Services at the rental housing where the heat pump shall be installed:

(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; or,

(H) Low Income Weatherization Assistance Program.

(d) The owner provides the Department proof they are participating in the Housing Choice Voucher Program (Section 8) at the dwelling the heat pump shall be installed.

(2) The Department will provide low- or moderate-income eligibility certification forms to contractors. For each installation where the customer claims eligibility for the rebate rate for low- or moderate-income tenants, all legal owners of the dwelling or their representative must sign the form certifying that the information is accurate. The contractor must submit a scanned copy of the form and accompanying documentation to the Department as part of the reservation application.

STATUTORY/OTHER AUTHORITY: Oregon Laws 2022, Chapter 86 (Senate Bill 1536), ORS 469.040

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2022, Chapter 86 (Senate Bill 1536)

ADOPT: 330-280-0080

RULE TITLE: Reservation Process

NOTICE FILED DATE: 11/29/2022

RULE SUMMARY: This rule details how applications for rebates and grants may be submitted.

RULE TEXT:

(1) Contractors must submit a reservation application to reserve a rebate for a heat pump using the Department's designated software system. The Department may begin accepting reservation applications on or after May 1, 2023 from contractors who have established eligibility under the program.

(2) A contractor must submit a reservation application before installing a heat pump.

(3) The following information about the purchase and installation of a heat pump must be provided to the Department on the reservation application:

(a) Name of customer;

(b) Address of installation;

(c) Heat pump specifications, as listed in the Department's software system;

(d) Heat pump sizing calculation information for the space or structure;

(e) Whether the customer claims to be qualified under the low- or moderate-income eligibility requirements;

(f) Eligible costs for the purchase and installation of the heat pump;

(g) Whether the project will receive any other incentives;

(h) Amount of other incentives, if applicable;

(i) Copy of a signed installation agreement that details the address where the installation will occur, the customer name, the cost, heat pump equipment details, warranty information, and other information as requested by the Department; and,

(j) Other information as requested by the Department.

(4) The Department will review reservation applications in the order that they are received and will provide written notice to the contractor once a reservation application has been approved or denied. Subject to the availability of funds, program funds will be reserved for a project following departmental approval of a reservation request.

(5) A reservation for a rebate is valid for 180 days unless extended under OAR 330-280-0090. If a rebate is not claimed within 180 days and the reservation is not extended, the reservation will no longer be valid. A contractor may reapply if the reservation expires.

(6) At the time of submission of a rebate reservation application, or through an amendment, a contractor may submit an application for a grant for upgrades that facilitate the installation of the heat pump on behalf of the owner.

(7) The following information about the upgrades must be provided to the Department on the application for a grant:

(a) Name of owner;

(b) Address of upgrades;

(c) Description of the upgrades;

(d) Whether the owner claims to be qualified under the low- or moderate-income eligibility requirements;

(e) Eligible costs associated with the upgrade;

(f) Whether the project will receive any other incentives;

(g) Amount of other incentives, if applicable; and,

(h) Other information as requested by the Department.

STATUTORY/OTHER AUTHORITY: Oregon Laws 2022, Chapter 86 (Senate Bill 1536), ORS 469.040

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2022, Chapter 86 (Senate Bill 1536)

ADOPT: 330-280-0090

RULE TITLE: Amendments

NOTICE FILED DATE: 11/29/2022

RULE SUMMARY: This rule details how rebate and grant applications can be amended.

RULE TEXT:

- (1) A contractor may make changes to the rebate reservation application after its submission and before claiming a rebate.
- (2) If a contractor changes the application, such that the customer is eligible for a larger rebate amount than the initial reservation application, the increase in rebate amount is subject to the availability of funds as of the date the amended application is reviewed for approval or denial by the Department.
- (3) At the end of the 180-day reservation period, the Department may grant one 180-day extension to each reservation upon request for any reason.
- (4) A grant application may be amended by the contractor after its submission and before claiming the grant.
- (5) If a grant application is changed such that the customer is eligible for a larger grant amount than the initial grant application, the increase in grant amount is subject to the availability of funds as of the date the amended application is reviewed for approval or denial by the Department.

STATUTORY/OTHER AUTHORITY: Oregon Laws 2022, Chapter 86 (Senate Bill 1536), ORS 469.040

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2022, Chapter 86 (Senate Bill 1536)

ADOPT: 330-280-0100

RULE TITLE: Rebate and Grant request

NOTICE FILED DATE: 11/29/2022

RULE SUMMARY: This rule details how the rebate and grant amount can be requested.

RULE TEXT:

(1) The eligible contractor seeking a rebate must supply the following information to the Department to convert a reservation into a rebate request:

(a) Name of customer;

(b) Address of installation of heat pump;

(c) Specifications of the heat pump installed, as listed in the Department's software system;

(d) Heat pump installation completion date. The installation completion date is the date that the heat pump installation has passed its final inspection by the authority having jurisdiction;

(e) The projected energy savings from the installation of the heat pump using resources and methods detailed in the application;

(f) Proof of completion, including permits received from the authority having jurisdiction over permitting for the heat pump;

(g) Documentation that the contractor, and any subcontractors who performed installation of the heat pump has any license, bond, insurance or permit required for the installation of the heat pump;

(h) A statement signed by both the contractor and the customer for whom the heat pump is installed that the customer has received the full value of the rebate as a reduction in the net cost of the purchase or installation of the system and that the rebate was clearly reflected on an invoice provided to the customer; and,

(i) Other information requested by Department.

(2) The eligible contractor seeking a grant must supply the following information to the Department to claim a grant:

(a) Name of customer;

(b) Address of upgrades;

(c) Description of the upgrades;

(d) Upgrade completion date;

(e) Proof of completion, including permits received from the authority having jurisdiction over permitting for the upgrade, if applicable; and,

(f) A statement signed by both the contractor and the customer for whom the upgrades were completed that the customer has received the full value of the grant as a reduction in the net cost of the upgrades and that the grant was clearly reflected on an invoice provided to the customer.

STATUTORY/OTHER AUTHORITY: Oregon Laws 2022, Chapter 86 (Senate Bill 1536), ORS 469.040

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2022, Chapter 86 (Senate Bill 1536)

ADOPT: 330-280-0110

RULE TITLE: Allocation of funds

NOTICE FILED DATE: 11/29/2022

RULE SUMMARY: This rule outlines how the funding will be allocated and includes budget allocations.

RULE TEXT:

(1) Subject to limits on the percentage of funding that may be spent under the program for specific categories of installations, the Department will allocate rebate and grant funding according to the order in which the applications are approved by the Department. The Department will review applications in the order in which they are submitted.

(2) In each calendar year:

(a) At least 25 percent of the funds must be reserved for rebates and grants for affordable housing providers;

(b) At least 25 percent of the funds must be reserved for rebates and grants for owners of dwellings occupied by households whose income is less than 80 percent of the area median income.

(3) If total funds spent and allocated for installations for affordable housing providers and owners of dwellings occupied by households whose income is less than 80 percent of the area median income are less than those specified in OAR 330-280-0110(2) for that calendar year, then the unspent and unallocated funds may be made available to all applicants in the following year.

STATUTORY/OTHER AUTHORITY: Oregon Laws 2022, Chapter 86 (Senate Bill 1536), ORS 469.040

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2022, Chapter 86 (Senate Bill 1536)

ADOPT: 330-280-0120

RULE TITLE: Compliance

NOTICE FILED DATE: 11/29/2022

RULE SUMMARY: This rule outlines the inspection and audit process for projects and associated compliance notifications and procedures.

RULE TEXT:

(1) The Department reserves the right to conduct a physical inspection of all installations and upgrades and to audit all documentation relating to an installation or upgrade for which a reservation is made under the program before or after a rebate or grant payment is made to the contractor.

(2) The Department shall provide at least 15 days advance notice before performing a physical inspection of an installation or upgrade. If the owner, or their representative, requests an inspection before the 15-day notice period has expired, the Department may inspect the site earlier. The owner of the dwelling, a representative of the owner, or the contractor must be present and must provide safe access to inspect the installation and any upgrade. Department inspectors will not inspect areas that they deem to present an unreasonable risk to personal safety.

(3) The Department shall provide a written determination of whether the project was completed as described in the application and meets the project eligibility criteria within 30 days to the contractor based upon the inspection.

(4) If the Department determines that the installation or upgrade does not meet project eligibility criteria under the program or the completed project does not match the project description entered by the contractor when making a request for a rebate or grant, the contractor will have 30 days from the date they received written notice from the Department to correct and provide proof of correction for any discrepancies found by the Department or to provide written explanation or justification.

(5) The Department shall provide a final determination in writing within 15 days regarding the contractor's written response to the Department's initial determination after an inspection.

(6) The Department may deny a rebate or grant if a contractor does not resolve issues found in an inspection or in an audit within the time limit established under program rules.

(7) Pursuant to the procedures for a contested case under ORS chapter 183, the Director may order the revocation of a rebate or portion of a rebate or grant under the program if the Director finds that the rebate or grant was obtained by fraud or misrepresentation, or by mistake or miscalculation. As soon as the order of revocation becomes final, the Department shall proceed to recover the rebate, grant, or portion of the rebate or grant that is subject to the order of revocation. All moneys provided to a contractor attributable to the fraudulently or mistakenly obtained rebate, grant, or portion of the rebate or grant shall be forfeited.

STATUTORY/OTHER AUTHORITY: Oregon Laws 2022, Chapter 86 (Senate Bill 1536), ORS 469.040

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2022, Chapter 86 (Senate Bill 1536)

ADOPT: 330-280-0130

RULE TITLE: Revocation of Contractor Eligibility or Rebates

NOTICE FILED DATE: 11/29/2022

RULE SUMMARY: This rule outlines why the Director of the Oregon Department of Energy may deny or revoke a contractor's eligibility for the program.

RULE TEXT:

The Director may deny or revoke a contractor's eligibility to claim a rebate on behalf of a customer, pursuant to the procedures for a contested case under ORS chapter 183, if the Director finds any of the following:

- (1) The contractor's eligibility under OAR 330-280-0020 was obtained by fraud or misrepresentation by the contractor.
- (2) The contractor's performance for installation of heat pumps does not meet industry standards.
- (3) The contractor has misrepresented to customers either the program or the nature or quality of the heat pumps for which rebates are available.
- (4) The contractor attempts to obtain a rebate or grant through fraud or misrepresentation.

STATUTORY/OTHER AUTHORITY: Oregon Laws 2022, Chapter 86 (Senate Bill 1536), ORS 469.040

STATUTES/OTHER IMPLEMENTED: Oregon Laws 2022, Chapter 86 (Senate Bill 1536)