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CHAPTER 333

OREGON HEALTH AUTHORITY

PUBLIC HEALTH DIVISION

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**RULES:**

333-090-0100, 333-090-0110, 333-090-0120, 333-090-0130, 333-090-0140

ADOPT: 333-090-0100

RULE TITLE: Definitions

NOTICE FILED DATE: 07/28/2023

RULE SUMMARY: OAR 333-090-0100- Adopts definitions that are used throughout the Healthy Homes Grant Program rules.

**RULE TEXT:**

The following definitions apply in these rules, as well as the definitions provided in ORS 431A.400:

- (1) "Acquire" means to come into possession of or obtain ownership of, whether directly or indirectly, through a sale, trade, exchange, or other transaction.
- (2) "Administrative expense" means a cost incurred by an organization for the general management, oversight, and coordination of the grant activities identified in the grant agreement.
- (3) "Authority" means the Oregon Health Authority.
- (4) "Awarded funds" means funds received by the grant program recipient from the Program.
- (5) "Eligible entity" means a local government as defined in ORS 174.116, local housing authority, nonprofit organization, federally recognized Indian Tribe in Oregon, Indian health center, coordinated care organization as defined in ORS 414.025, community action agency as described in ORS 458.505, manufactured dwelling park nonprofit cooperative as defined in ORS 62.803, an electric utility as defined in ORS 757.600, or a natural gas utility as defined in ORS 757.392.
- (6) "Grant" has the meaning provided in OAR 137-045-0010.
- (7) "Grant agreement" means an agreement setting the conditions for the provision of a grant provided under these rules.
- (8) "Grant program recipient" means an eligible entity that has been awarded a grant from the Authority under these rules.

(9) "Low-income household" means a household having an income equal to or below 80 percent of the area median family income as defined by the U.S. Department of Housing and Urban Development's (HUD) Income Limits Documentation System, calculated using the Oregon county of residence and number of residents for the household in question.

Note: The HUD's Income Limits Documentation System is available online at:  
<https://www.huduser.gov/portal/datasets/il.html> or on file with the Authority.

(10) "Nonprofit organization" means an organization or group of organizations that is described in section 501(c)(3) of the Internal Revenue Code and is exempt from income tax under section 501(a) of the Internal Revenue Code.

(11) "Program" means the Oregon Health Authority, Public Health Division's Healthy Homes Grant Program.

(12) "Program cost" refers to a cost specifically related to the performance of household repair and rehabilitation activities, as allowed under the Program.

(13) "Program delivery cost" refers to a cost which directly supports the Program's mission of improving housing conditions for low-income Oregonians.

(14) "Repair and rehabilitation" include actions that:

(a) Maximize energy efficiency of residences;

(b) Extend the usable life of residences; or

(c) Improve the health and safety of the occupants of residences, including radon abatement, lead abatement, mold and mildew abatement, installation of a smoke filtration system, an air purification system or ventilation or reduction of pathways for air infiltration, removal of asthma or allergen triggers, structural or safety improvements that increase accessibility or visitability, improvements that make homes more fire resistant, and structural or safety improvements that promote seismic resiliency, improvements that reduce the reflection of heat on or around the home, including improvements related to trees, vegetation, green roofs or cool roofs, and electrical upgrades that improve the safety of the home or support or enable the use of energy efficient upgrades such as heating or cooling devices.

(15) "Residence" means a dwelling that is intended for occupation by one or more individuals who are members of a low-income household as the individuals' principal residence, including a site-built home, manufactured home, residential trailer, mobile home, condominium unit or unit within multifamily housing.

(16) "Responsible party" means the individual associated with the eligible entity who is the point of contact concerning any information provided to the Authority in the grant application.

(17) "Smoke filtration system" means a residential air filtration system that meets minimum efficiency standards, as determined by the Authority, for the removal of particulates and other harmful substances generated by wildfires.

(18) "These rules" means OAR 333-090-0100 through 333-090-0140.

STATUTORY/OTHER AUTHORITY: ORS 431A.400

STATUTES/OTHER IMPLEMENTED: ORS 431A.400

ADOPT: 333-090-0110

RULE TITLE: Purpose, Allocation, and Eligibility

NOTICE FILED DATE: 07/28/2023

RULE SUMMARY: OAR 333-090-0110- Specifies the purpose of the program, describes how funds may be allocated, and implements the eligibility requirements found in ORS 431A.400.

RULE TEXT:

- (1) Grant program recipients may only use awarded funds to repair or rehabilitate existing residences.
- (2) Grant program recipients may not use awarded funds to acquire real estate.
- (3) The Authority may set aside funding to ensure resources remain available for specific uses and for specific populations.
- (4) Grant program recipients may only use awarded funds for repair and rehabilitation actions as identified in OAR 333-090-0100 and in ORS 431A.400, except that awarded funds may be used for administrative expenses and program delivery costs as permitted in the grant agreement and by these rules.
- (5) The grant program recipient may not use more than 20 percent of awarded funds for administrative expenses.
- (6) The Authority is not obligated to disperse all available Program funds in any given grant cycle.
- (7) Grant awards are subject to the availability of Program funds.
- (8) An applicant must satisfy the eligibility requirements in ORS 431A.400(3) to be eligible for a grant award.

STATUTORY/OTHER AUTHORITY: ORS 431A.400

STATUTES/OTHER IMPLEMENTED: ORS 431A.400

ADOPT: 333-090-0120

RULE TITLE: Application, Review, Award, and Agreement

NOTICE FILED DATE: 07/28/2023

RULE SUMMARY: OAR 333-090-0120- Describes the process and required information for an eligible entity to apply for a grant.

RULE TEXT:

(1) To apply for a grant, an applicant must submit a complete grant application in response to, and by the date specified in, an Authority-issued Request for Grant Application.

(2) The Authority shall review timely grant applications for completeness. The Authority shall notify applicants if the application is incomplete. The applicant shall have 10 days to submit supplemental information to the Authority to complete the application.

(3) Applications shall be submitted to the Authority in the form and manner identified by the Authority, and shall contain at minimum:

(a) The legal name of the applicant eligible entity or entities and the Oregon Secretary of State registration number for any applicant entity required to be registered;

(b) Contact information including the name, address, electronic mail address, and telephone number of the responsible party for the applicant;

(c) If applicable, the name of the Federally Recognized Tribe(s) of Oregon served by the applicant;

(d) A description of how the applicant entity serves or represents:

(A) Communities with high concentrations of low-income households.

(B) Communities impacted by environmental justice factors as described in ORS 431A.400;

(e) A description of the applicant's capacity to administer any awarded funds;

(f) A description of how the applicant is able to comply with the requirements of all applicable state and federal laws, rules and regulations;

(g) Information concerning the availability of funding from other sources for the proposed work, including source, amount, period of availability, and limitations of use, if available;

(h) The budget being requested, including program costs, program delivery costs, and administrative expenses; and

(i) Any other information requested by the Authority in the Request for Grant Application (RFGA).

(4) The Authority shall only consider timely and complete grant applications for possible approval and offering a grant agreement.

(5) When considering grant applications and making funding decisions, the Authority may consider:

(a) How closely the grant application meets the criteria outlined in ORS 431A.400 and the RFGA.

(b) How effectively and efficiently the applicant's proposal furthers the purpose of the Program as described in ORS 431A.400(2) and the RFGA.

(c) Geographic location served.

(d) Evidence that the applicant has established relationships with the community proposed to be served.

(e) Evidence that the applicant can leverage Program funding with other funding, resources or partnerships to increase benefits to low-income households.

(6) It is within the Authority's sole discretion to issue a RFGA, review and consider applications submitted, set the time for submission of applications or extend the time for applications, and to award grants that in its judgment, best achieve the purposes of the RFGA, ORS 431A.400, these rules, and other applicable law, including orders of the Authority.

(7) The applicant must establish in its application that it is eligible to receive a grant as required in ORS 431A.400(3).

The Authority may request additional information or documentation to determine whether the applicant meets eligibility requirements. If the applicant does not timely provide additional information or documentation, the application may be determined incomplete.

(8) The Authority shall notify an eligible entity applicant of an award of grant funding in writing. An awarded eligible

entity applicant must return the executed grant agreement to the Authority within 60 calendar days from the date of written award notification. The grant agreement is deemed withdrawn if the eligible entity applicant fails to submit the signed grant agreement to the Authority within 60 calendar days from the date of written award notification unless the deadline is extended in writing by the Authority.

(9) The agreement shall include, at minimum, the following terms:

(a) The total grant amount awarded;

(b) The start and end dates of the of the grant agreement;

(c) The agreement provisions identified in ORS 431A.400(5)(a)-(e);

(d) The repayment provisions identified in ORS 431A.400(6)(a)-(b);

(e) Record keeping, reporting, and compliance monitoring requirements as detailed in these rules and ORS 431A.400(7)(a)-(g);

(f) Termination clause; and

(g) Any other conditions or terms required by the Authority.

STATUTORY/OTHER AUTHORITY: ORS 431A.400

STATUTES/OTHER IMPLEMENTED: ORS 431A.400

ADOPT: 333-090-0130

RULE TITLE: Performance of Grantees, Record Keeping, Compliance Monitoring, and Reporting

NOTICE FILED DATE: 07/28/2023

RULE SUMMARY: OAR 333-090-0130- Specifies the record keeping, compliance, and reporting requirements of entities funded under the Healthy Homes Grant Program.

RULE TEXT:

- (1) A grant program recipient must maintain financial and accounting records as identified in the grant agreement.
- (2) To ensure proper compliance and monitoring of grants, grant program recipients must:
  - (a) Upon request, provide the Authority access to and copies of all electronic or hardcopy accounts, documents, audits, and records related to the grant. Access or copies must be provided in accordance with a reasonable deadline provided by the Authority in writing.
  - (b) Cooperate fully in any project inspections or other monitoring actions taken by the Authority.
  - (c) Retain and maintain accessibility of all grant records and data required by the grant agreement or as requested by the Authority, for a period of no less than five years.
- (3) Each grant program recipient must report to the Authority by June 30 of each year concerning the status and use of awarded funds in the manner described in the grant agreement.
- (4) The Authority shall monitor grant program recipients' compliance with terms in the grant agreement and these rules.
- (5) Grant program recipients may be required to utilize restrictive covenants or other affordability protection measures to ensure the ongoing affordability of housing rehabilitated using Program funding, as described in the grant agreement.

STATUTORY/OTHER AUTHORITY: ORS 431A.400

STATUTES/OTHER IMPLEMENTED: ORS 431A.400

ADOPT: 333-090-0140

RULE TITLE: Standards for Repair and Rehabilitation Activities

NOTICE FILED DATE: 07/28/2023

RULE SUMMARY: OAR 333-090-0140- Establishes requirement that repair, and rehabilitation activities carried out under the Healthy Homes Grant Program are subject to existing, applicable standards.

RULE TEXT:

- (1) Grant program recipients must ensure that repair and rehabilitation activities comply with contractor licensing requirements listed in ORS chapter 701 and any applicable state or local jurisdictional permitting processes.
- (2) Grant program recipients must comply with any applicable standards, such as performance or efficiency ratings for equipment purchased using awarded funds, as required in the grant agreement between the Authority and the grant program recipient.

STATUTORY/OTHER AUTHORITY: ORS 431A.400

STATUTES/OTHER IMPLEMENTED: ORS 431A.400