



Report to the Secretary of State: 5-Year Rule Review (January 2018 – December 2018)

[ORS 183.405](#) requires all state agencies to make a reporting of all rulemakings that adopted rules in the fifth calendar year prior to date. The purpose of the review is to determine the rules' alignment with original intent, applicability, and anticipated fiscal impact. OHCS strives to make necessary rule amendments as the need arises. The appendices of this report detail the status of those rules.

The following records account for all of OHCS' adopted rules for the 2018 Calendar Year. A copy of this report shall be made available on the [OHCS website](#) or by contacting Jaci Davis (Jaci.Davis@hcs.oregon.gov).

January 1, 2018 – December 31, 2018

OHCS adopted a total of 43 rules.

These rulemakings impacted seven (7) divisions and programs.

- Affordable Housing Land Acquisition Revolving Loan Program (Division 37)
- Severe Rent Burden Reporting (Division 112)
- Publicly Supported Housing Preservation Program (Division 115)
- Low Income Weatherization Assistance Program (Division 205)
- State Home Oil Weatherization (Division 207)
- Wildfire Damage Housing Relief Program (Division 330)
- Rent Guarantee Program (Division 365)

Oregon Housing and Community Services Administrative Rules 5-year Review Lookback to 2018

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**5-Year Rule Review
Adopted Rules of Chapter 813**

Division No. 37 (Affordable Housing Land Acquisition Revolving Loan Program):

Rules Adopted: 813-037-0005

Date Adopted (Filing No.): 10-24-2018 (OHCS 16-2018)

Rule Advisory Committee Used: yes

If not, please explain: N/A

OAR 813-037-0005: Purpose and Objectives	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule adoption met the initial need but needed to be updated the following year to provide further program guidance.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The program had under-utilized funds, which prompted the rule amendment in 2019.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Yes, the agency referenced a program manual within this department of rule in 2019.
<i>Is the rule still necessary?</i>	Yes

**5-Year Rule Review
Adopted Rules of Chapter 813**

Division No. 112 (Severely Rent Burden Reporting):

Rules Adopted: 813-200-0001

Date Adopted (Filing No.): 10-25-2018 (OHCS 18-2018)

Rule Advisory Committee Used: Yes

If not, please explain: N/a

OAR 813-112-0000: Applicability and Purpose	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect of establishing a purpose and objectives section for this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The agency has not had a need to amend this rule. There have been no statutory or legislative updates to this requirement to necessitate a rule change.
<i>Is the rule still necessary?</i>	Yes

OAR 813-112-0010: Definitions	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect of establishing a purpose and objectives section for this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been</i>	The agency has not had a need to amend this rule. There have been no statutory or legislative updates to

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<i>identified that require the agency to amend or repeal the rule?</i>	this requirement to necessitate a rule change.
<i>Is the rule still necessary?</i>	Yes

OAR 813-112-0020: Cities Rent Burden Determination	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect of establishing a purpose and objectives section for this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The agency has not had a need to amend this rule. There have been no statutory or legislative updates to this requirement to necessitate a rule change.
<i>Is the rule still necessary?</i>	Yes

OAR 813-112-0030: Public Meeting	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect of establishing a purpose and objectives section for this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The agency has not had a need to amend this rule. There have been no statutory or legislative updates to this requirement to necessitate a rule change.
<i>Is the rule still necessary?</i>	Yes

OAR 813-112-0040: Housing Affordability Survey	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect of establishing a purpose and objectives section for this program.
<i>How did the anticipated fiscal impact identified on the notice of</i>	There was no anticipated fiscal impact and that continues to be the same.

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<i>rulemaking compare to the actual fiscal impact?</i>	
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The agency has not had a need to amend this rule. There have been no statutory or legislative updates to this requirement to necessitate a rule change.
<i>Is the rule still necessary?</i>	Yes

OAR 813-112-0050: Reporting Requirements	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect of establishing a purpose and objectives section for this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The agency has not had a need to amend this rule. There have been no statutory or legislative updates to this requirement to necessitate a rule change.
<i>Is the rule still necessary?</i>	Yes

**5-Year Rule Review
Adopted Rules of Chapter 813**

Division No. 115 (Publicly Supported Housing Preservation Program):

Rules Adopted: 813-115-0001

Date Adopted (Filing No.): 9-05-2018 (OHCS 13-2018)

Rule Advisory Committee Used: Yes

If not, please explain: n/a

OAR 813-115-0001: Purpose	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect of establishing a purpose and objectives section for this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	Initially, the fiscal impact estimated was minimal to personnel. From a budget perspective, the fiscal impact has been on other agency funding sources that have had to subsidize the costs of this program. We had originally had General Funds to do this work but has been reduced since the original bill.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	There have been a number of legislative updates to this program that have required additional rule updates; HB 2002 (2017), HB 2022 (2019), HB 2020 (2019), HB 2095 (2021)
<i>Is the rule still necessary?</i>	Yes

**5-Year Rule Review
Adopted Rules of Chapter 813**

Division No. 205 (Low Income Weatherization Assistance Program):

Rules Adopted: 813-205-0005

Date Adopted (Filing No.): 12-21-18 (OHCS 20-2018)

Rule Advisory Committee Used: No

If not, please explain: The department used constant outreach and involvement with the subgrantees, and the changes reflected how the program is operated with the public and represented correct program guidance.

OAR 813-205-0005: Definitions	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule adoption ensured for correct interpretation of definitions used within the Low-Income Weatherization Assistance Program. This rule has been amended to make further definition refinement.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no originally identified fiscal impact identified for the definitions. As these definitions clarified the existing program operations, there was no fiscal impact expected. This is the same as what the actual was.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	This rule has been amended since adoption to further clarify definitions.
<i>Is the rule still necessary?</i>	Yes

5-Year Rule Review Adopted Rules of Chapter 813

Division No. 207 (State Home Oil Weatherization):

Rules Adopted: 813-207-0000, 813-207-0010, 813-207-0020, 813-207-0030, 813-207-0040, 813-207-0050, 813-207-0060, 813-207-0070, 813-207-0080, 813-207-0090

Date Adopted (Filing No.): 9-10-2018 (OHCS 15-2018)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-207-0000: Program Administration, Applicability, and Purpose	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule established the purpose of the division of rules. This rule met the intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The fiscal impact estimated was minimal to the general public and small businesses. The rules actually provided additional funding to support homeowners and grantees to further energy conservation efforts, support local heating oil companies, and supported this dwindling heating source for homeowners without other resources.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	This rule has been amended since adoption to clarify the purpose and objective.
<i>Is the rule still necessary?</i>	Yes

OAR 813-207-0010: Definitions	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule established the definitions of the division of rules. This rule met the intended effect.

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<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The fiscal impact estimated was minimal to the general public and small businesses. The rules actually provided additional funding to support homeowners and grantees to further energy conservation efforts, support local heating oil companies, and supported this dwindling heating source for homeowners without other resources.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	This rule has been amended since its adoption to clarify program requirements and align with better implementation.
<i>Is the rule still necessary?</i>	Yes

OAR 813-207-0020: Program Funding	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule established the funding source of the program and explained the Petroleum Supplier Assessment process. This rule met the intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The fiscal impact estimated was minimal to the general public and small businesses. The rules actually provided additional funding to support homeowners and grantees to further energy conservation efforts, support local heating oil companies, and supported this dwindling heating source for homeowners without other resources.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	This rule has been amended since its adoption to clarify the funding process.
<i>Is the rule still necessary?</i>	Yes

OAR 813-207-0030: Procurement of Grant Agreements	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule established the grant agreement procurement process for this program. This rule met the intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The fiscal impact estimated was minimal to the general public and small businesses. The rules actually provided additional funding to support homeowners and grantees to further energy conservation efforts,

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	support local heating oil companies, and supported this dwindling heating source for homeowners without other resources.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	This rule has been amended to release the requirement to procure grant agreements and rather allow for them as an option.
<i>Is the rule still necessary?</i>	Yes

OAR 813-207-0040: Eligible Applicants	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule established the eligible participants for the program. This rule met the intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The fiscal impact estimated was minimal to the general public and small businesses. The rules actually provided additional funding to support homeowners and grantees to further energy conservation efforts, support local heating oil companies, and supported this dwindling heating source for homeowners without other resources.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	This rule has been amended since its adoption to further clarify eligible applicants.
<i>Is the rule still necessary?</i>	Yes

OAR 813-207-0050: Application Procedure	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule established the application process and required documents for the program. This rule met the intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The fiscal impact estimated was minimal to the general public and small businesses. The rules actually provided additional funding to support homeowners and grantees to further energy conservation efforts, support local heating oil companies, and supported this dwindling heating source for homeowners without other resources.

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<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	This rule has been amended since its adoption to allow for more submission methods for applying.
<i>Is the rule still necessary?</i>	Yes

OAR 813-207-0060: Specifications of Cash Payments	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule established the cash payments awarded to eligible applicants. This rule met the intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The fiscal impact estimated was minimal to the general public and small businesses. The rules actually provided additional funding to support homeowners and grantees to further energy conservation efforts, support local heating oil companies, and supported this dwindling heating source for homeowners without other resources.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	This rule has been amended since its adoption to increase the eligible cash incentives and update them appropriate for the market needs.
<i>Is the rule still necessary?</i>	Yes

OAR 813-207-0070: Eligible energy Conservation Items and Measures	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule established the eligible measures to receive cash payments for this program. This rule met the intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The fiscal impact estimated was minimal to the general public and small businesses. The rules actually provided additional funding to support homeowners and grantees to further energy conservation efforts, support local heating oil companies, and supported this dwindling heating source for homeowners without other resources.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	This rule has been amended since its adoption to clarify measures and expand where applicable.

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<i>Is the rule still necessary?</i>	Yes
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OAR 813-207-0080: Contractor and Program Grantee Warranty Requirements	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule established the requirements for contractors and program grantees. This rule met the intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The fiscal impact estimated was minimal to the general public and small businesses. The rules actually provided additional funding to support homeowners and grantees to further energy conservation efforts, support local heating oil companies, and supported this dwindling heating source for homeowners without other resources.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	This rule has been amended since its adoption to allow for more flexibility.
<i>Is the rule still necessary?</i>	Yes

OAR 813-207-0090: Penalties and Remedies	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	This rule established the penalties and remedies of falsifying information on the program application. This rule met the intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The fiscal impact estimated was minimal to the general public and small businesses. The rules actually provided additional funding to support homeowners and grantees to further energy conservation efforts, support local heating oil companies, and supported this dwindling heating source for homeowners without other resources.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	This rule has been amended since its adoption to clarify based on actual implementation.
<i>Is the rule still necessary?</i>	Yes

5-Year Rule Review Adopted Rules of Chapter 813

Division No. 330 (Wildfire Damage Housing Relief Program):

Rules Adopted: 813-330-0030, 813-330-0040

Date Adopted (Filing No.): 2-28-2018 (OHCS 5-2018)

Rule Advisory Committee Used: Yes

If not, please explain: n/a

OAR 813-330-0030:	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect of establishing a purpose and objectives section for this program. There were statutory minor corrections in 2019 and due to the 2020 wildfires, that called for an amendments and temporary rule changes between 9/2020-9/2021.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	There was a statutory minor correction in July 2019. Amended statutory reference and creates consistency in language between divisions filed Dec 2019. Amended temp date of loss and grant amount Feb 2018. Amended temp rules filed Sept 2020 to Sept 2021 to include tenants as allowed by statute.
<i>Is the rule still necessary?</i>	Yes

OAR 813-330-0040:	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect of establishing a purpose and objectives section for this program. Amend Rules for the Wildfire Damage Housing Relief Account HB 2742 that included changes to income eligibility requirements and raising the amount of assistance an applicant could qualify for
<i>How did the anticipated fiscal</i>	There was no anticipated fiscal impact and that continues

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<i>impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	There was a statutory minor correction in July 2019. Amended statutory reference and creates consistency in language between divisions filed Dec 2019. Amended temp date of loss and grant amount Feb 2018. Amended temp rules filed Sept 2020 to Sept 2021 to include tenants as allowed by statute.
<i>Is the rule still necessary?</i>	Yes

5-Year Rule Review Adopted Rules of Chapter 813

Division No. 365 (Rent Guarantee Program):

Rules Adopted: 813-365-0000, 813-365-0011, 813-365-0021, 813-365-0045, 813-365-0050,
813-365-0061, 813-365-0065

Date Adopted (Filing No.): 3-02-2018 (OHCS 6-2018)

Rule Advisory Committee Used: Yes

If not, please explain: n/a

OAR 813-365-0000:	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect of establishing a purpose and objectives section for this program. This rule was to identify the purpose and objective of the Rent Guarantee Program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Amendment Dec 2019 to statutory reference and creates consistency in language between divisions
<i>Is the rule still necessary?</i>	Yes

OAR 813-365-0011:	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect of establishing a purpose and objectives section for this program. This rule was to identify the purpose and objective of the Rent Guarantee Program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.

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<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Amend definitions in July 2019 and incorporated 2019 operations manual. In August 2020, amendment to the program for updated processes and procedures to adopt into rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-365-0021:	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect of establishing a purpose and objectives section for this program. New rule to identify how Oregon Housing and Community Services will administer the Rent Guarantee Program
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Amendment July 2019 to create consistency in language between divisions and amends definitions.
<i>Is the rule still necessary?</i>	Yes

OAR 813-365-0045:	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect of establishing a purpose and objectives section for this program. New rule to identify how program funds will be used in the Rent Guarantee Program
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Amendment in July 2019 to provide clarity on claimant eligibility criteria.
<i>Is the rule still necessary?</i>	Yes

OAR 813-365-0050:	
<i>Based on the need for the rule identified on the notice of</i>	The rule met the intended effect of establishing a purpose and objectives section for this program. New

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<i>rulemaking, how did the rule meet or fail to meet its intended effect?</i>	rule to identify how a program provider can apply to receive funds from the Rent Guarantee Program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The agency has not had a need to amend this rule. There have been no statutory or legislative updates to this requirement to necessitate a rule change.
<i>Is the rule still necessary?</i>	Yes

OAR 813-365-0061:	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect of establishing a purpose and objectives section for this program. New rule to identify what reporting and recordkeeping requirements will apply to the Rent Guarantee Program
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Amendment in July 2019 to create consistency in language between divisions, amends definitions, and clarifies reporting and recordkeeping requirements
<i>Is the rule still necessary?</i>	Yes

OAR 813-365-0065:	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	The rule met the intended effect of establishing a purpose and objectives section for this program. New rule to identify what monitoring requirements will apply to the Rent Guarantee Program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no anticipated fiscal impact and that continues to be the same.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Amendment in July 2019 to create consistency in language between divisions, amends definitions, and clarifies monitoring requirements.

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<i>Is the rule still necessary?</i>	Yes
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