

Publicly Supported Housing Preservation (“PuSH”)

PuSH Regulations Fact Sheet

Regulations Summary

The PuSH regulation purposes include:

- Preservation of publicly supported housing properties facing expiration of OHCS affordability restrictions and/or rental assistance from HUD or USDA Rural Development through an opportunity to offer to purchase for the government; and
- A statewide inventory database of publicly supported housing that is established and maintained by OHCS and known as the Oregon Affordable Housing Inventory (“OAHI”).

Definition of Publicly Supported Housing

“Publicly Supported Housing” means a multifamily rental housing development of five or more units that receives or benefits from government assistance. Applicable types of government assistance include:

- A contract for project-based rental assistance from the Department of Housing and Urban Development (HUD) or USDA Rural Development (RD);
- OHCS contract(s) which include an affordability restriction; and
- Local government subsidy programs as approved by OHCS to be included in the definition of publicly supported housing.

Note: OAR 813-115-0110(12) identifies exclusions to this definition.

Owner Notice to OHCS and Local Government (“Qualified Purchasers”)

Owners of publicly supported housing are required to provide notice(s) to OHCS and local government entitled to notice (collectively “qualified purchasers”) as follows:

- **Notice of Expiring Affordability Restrictions:** Provide the owner’s “intent” regarding preservation per regulatory deadline prior to when contract(s) for the participating property will expire or terminate.
- **Notice of Opportunity to Offer to Purchase:** Starts the Opportunity to Offer to Purchase process for qualified purchasers (OHCS/Local Government) per regulatory deadline when the participating property will be withdrawn from publicly supported housing.

Owner Notice of “Opportunity to Offer to Purchase”

Qualified purchasers have opportunity to submit offers to the owner; however, the owner is not obligated to accept any of those offers. The owner is required to provide access to property records and documents upon written request.

Qualified Purchaser Right of First Refusal

In the event of a subsequent offer to purchase from a 3rd party, qualified purchasers, with right of first refusal, may submit a matching offer under the same terms and conditions (including regulatory compliance related to earnest money deposit and closing timeframe). The owner must accept the first matching offer received under the right of

first refusal opportunity. If no matching offers are submitted, the owner may pursue the sale to the 3rd party. Right of First Refusal may extend up to 24 months after a property has been withdrawn from publicly supported housing.

OHCS “Designee”

OHCS may appoint a “designee” to act as a purchaser under the “Opportunity to Offer to Purchase” timeframe. Potential designees may submit an application to OHCS (through a contracted company). A designee must: (a) agree to preserve the affordability of the participating property, and (b) assume all rights and responsibilities attributable to the department as a prospective purchaser of the participating property. Successful appointment as a designee is not associated with OHCS funding opportunities. Designees that become purchasers are required to enter into an affordability restriction contract with OHCS, which will be recorded against the participating property.

OHCS Programs included under PuSH Regulations

OHCS programs under Oregon Administrative Rules, chapter 813 that are subject to PuSH regulations:

Loan Programs:

- Elderly/Disabled Bond (ED)
- Local Innovation and Fast Track Program (LIFT)
- Pass-Through Revenue Bond Financing Program (Conduit)
- Risk Share Bond (RS)

Tax Credit Programs:

- Low-Income Housing Tax Credit Program (LIHTC)
- Oregon Affordable Housing Tax Credits (OAHTC)

Grant Programs:

- Community Development Incentive Project Fund (CIF)
- Farmworker Housing Development Account (FHDA)
- General Housing Account (GHAP)
- HELP Program (HELP)
- Home Partnerships Program (HOME)
- Housing Development Grant Program (HDGP)
- Housing Preservation Fund Program (HPF)
- Housing Trust Fund (HTF)
- Low-Income Weatherization Assistance Program (LIWX)
- Mental Health Housing Fund (MHHF)
- Multifamily Energy Program (MEP)

Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR)

- Oregon Revised Statutes, ORS 456.250 through 456.265; and 456.559(1)(b)
- Oregon Administrative Rules (OAR), Chapter 813, Division 115

For more information about the PuSH Regulations, please contact:

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