



## **Report to the Secretary of State: 5-Year Rule Review (January 2017 – December 2017)**

March 18, 2022

[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 2017 Calendar Year. A copy of this report shall be made available by Nicole Stingh; [Nicole.R.Stingh@HCS.Oregon.Gov](mailto:Nicole.R.Stingh@HCS.Oregon.Gov)

### **January 1, 2017 – December 31, 2017**

OHCS adopted a total of 9 rules.

These rulemakings impacted two (2) divisions and programs.

- Elderly Rental Assistance (Division 53)
- Local Innovation and Fast Track (Division 135)

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

**Division No. 53 (Elderly Rental Assistance Program):**

Rules Adopted: 813-053-0000

Date Adopted (Filing No.): 11-17-17 (OHCS-9-2017 through OHCS-18-2017)

Rule Advisory Committee Used: No

If not, please explain: Rules Advisory Committee information was not included in 2017 orders. Repealed program at Department of Revenue and established the same program at OHCS.

<b>OAR 813-053-0000: Purpose and Objectives</b>	
<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>	Meet need to repeal temporary rules and codify permanent rule changes.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There is no additional fiscal impact with the administration of the Elderly Rental Assistance Program, all funding remains distributed by the Community Action Agency network locally.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	On 11/26/19, amended the statutory reference and amended to create consistency in language between other agency divisions of rule.
<i>Is the rule still necessary?</i>	Yes

<b>OAR 813-053-0090: Administrative Review by Subgrantee</b>	
<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>	Meet need to repeal temporary rules and codify permanent rule changes.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There is no additional fiscal impact with the administration of the Elderly Rental Assistance Program, all funding remains distributed by

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	the Community Action Agency network locally.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	On 11/26/19, amended to create consistency in language between other agency divisions of rule.
<i>Is the rule still necessary?</i>	Yes

<b>OAR 813-053-0080: Challenge of Subgrantee Action</b>	
<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>	Meet need to repeal temporary rules and codify permanent rule changes.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There is no additional fiscal impact with the administration of the Elderly Rental Assistance Program, all funding remains distributed by the Community Action Agency network locally.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	On 11/26/19, amended to create consistency in language between other agency divisions of rule.
<i>Is the rule still necessary?</i>	Yes

<b>OAR 813-053-0070: Remedies</b>	
<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>	Meet need to repeal temporary rules and codify permanent rule changes.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There is no additional fiscal impact with the administration of the Elderly Rental Assistance Program, all funding remains distributed by the Community Action Agency network locally.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	On 07/03/19, amended for minor correction to rule title according to ORS 183.360(2). On 11/26/19, amended to create consistency in language between other agency divisions of rule.
<i>Is the rule still necessary?</i>	Yes

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<b>OAR 813-053-0060: Recordkeeping and Compliance Monitoring</b>	
<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>	Meet need to repeal temporary rules and codify permanent rule changes.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There is no additional fiscal impact with the administration of the Elderly Rental Assistance Program, all funding remains distributed by the Community Action Agency network locally.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	On 11/26/19, amended to create consistency in language between other agency divisions of rule.
<i>Is the rule still necessary?</i>	Yes

<b>OAR 813-053-0050: Application for Funding; Funding Agreement</b>	
<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>	Meet need to repeal temporary rules and codify permanent rule changes.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There is no additional fiscal impact with the administration of the Elderly Rental Assistance Program, all funding remains distributed by the Community Action Agency network locally.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	On 11/26/19, amended to create consistency in language between other agency divisions of rule and amended to incorporate current program requirements.
<i>Is the rule still necessary?</i>	Yes

<b>OAR 813-053-0040: Use of Funds</b>	
<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>	Meet need to repeal temporary rules and codify permanent rule changes.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There is no additional fiscal impact with the administration of the Elderly Rental Assistance Program, all funding remains distributed by the Community Action Agency network locally.

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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>	On 11/26/19, amended to create consistency in language between other agency divisions of rule and amended to identify all uses of funds.
<i>Is the rule still necessary?</i>	Yes

<b>OAR 813-053-0030: Applicant Eligibility</b>	
<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>	Meet need to repeal temporary rules and codify permanent rule changes.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There is no additional fiscal impact with the administration of the Elderly Rental Assistance Program, all funding remains distributed by the Community Action Agency network locally.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	On 07/03/19, amended for minor correction to rule title according to ORS 183.360(2). On 11/26/19 amended to create consistency in language between other agency divisions of rule and amended eligibility requirements consistent with current operation.
<i>Is the rule still necessary?</i>	Yes

<b>OAR 813-053-0020: Administration</b>	
<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>	Meet need to repeal temporary rules and codify permanent rule changes.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There is no additional fiscal impact with the administration of the Elderly Rental Assistance Program, all funding remains distributed by the Community Action Agency network locally.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	On 11/26/19, amended to create consistency in language between other agency divisions of rule.
<i>Is the rule still necessary?</i>	Yes

<b>OAR 813-053-0010: Definitions</b>	
<i>Based on the need for the rule</i>	Meet need to repeal temporary rules and

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<i>identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	codify permanent rule changes.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There is no additional fiscal impact with the administration of the Elderly Rental Assistance Program, all funding remains distributed by the Community Action Agency network locally.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	On 11/26/19, amended to create consistency in language between other agency divisions of rule. On 05/07/20, amended definitions to reflect current operation.
<i>Is the rule still necessary?</i>	Yes

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

**Division No. 135 (Local Innovation and Fast Track Program):**

Rules Adopted: 813-135-0010, 813-135-0020, 813-135-0030, 813-135-0040, 813-135-0050, 813-135-0060

Date Adopted (Filing No.): 02-21-2017 (OHCS-1-2017)

Rule Advisory Committee Used: No

If not, please explain: The LIFT program rules were created with extensive stakeholder engagement.

<b>OAR 813-135-0010: Purpose</b>	
<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 met the need to stand up the Local Innovation and Fast Track (LIFT) program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no fiscal impact assumed with these rules and that was accurate. There is no negative financial impact to community.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	There has not been any legislative event that would impact this rule.
<i>Is the rule still necessary?</i>	Yes

<b>OAR 813-135-0020: Definitions</b>	
<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 met the need to stand up the Local Innovation and Fast Track (LIFT) program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no fiscal impact assumed with these rules and that was accurate. There is no negative financial impact to community.



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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>	There was a minor correction in 2020 to update ORS references.
<i>Is the rule still necessary?</i>	Yes

<b>OAR 813-135-0030: Eligibility</b>	
<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 met the need to stand up the Local Innovation and Fast Track (LIFT) program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no fiscal impact assumed with these rules and that was accurate. There is no negative financial impact to community.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	There has not been any legislative event that would impact this rule.
<i>Is the rule still necessary?</i>	Yes

<b>OAR 813-135-0040: Allocation of Bond Proceeds</b>	
<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 met the need to stand up the Local Innovation and Fast Track (LIFT) program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no fiscal impact assumed with these rules and that was accurate. There is no negative financial impact to community.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	In December 2017, there was an update to the rule to describe the borrower's obligation to repay LIFT loans .
<i>Is the rule still necessary?</i>	Yes

<b>OAR 813-135-0050: Application Requests and Charges</b>	
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<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 met the need to stand up the Local Innovation and Fast Track (LIFT) program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no fiscal impact assumed with these rules and that was accurate. There is no negative financial impact to community.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	There has not been any legislative event that would impact this rule.
<i>Is the rule still necessary?</i>	Yes

<b>OAR 813-135-0060: Application for LIFT Funds</b>	
<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 met the need to stand up the Local Innovation and Fast Track (LIFT) program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no fiscal impact assumed with these rules and that was accurate. There is no negative financial impact to community.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	There has not been any legislative event that would impact this rule.
<i>Is the rule still necessary?</i>	Yes