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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 813
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

FILED: 10/30/2026 10:04 AM
ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: To update GPGM and ORCA manual and establish Compliance, Monitoring and Enforcement rules.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/30/2026 5:00 PM
The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Greg Current
Rules Coordinator

HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/18/2026
TIME: 10:00 AM
OFFICER: Caroline Murphy

REMOTE HEARING DETAILS
MEETING URL: Click here to join the meeting
PHONE NUMBER: 503-986-6796
SPECIAL INSTRUCTIONS:
Join by Phone: 503-446-4951
Conference ID: 829 597 033#

NEED FOR THE RULE(S):

Manual for ORCA and GPGM are required to be adopted into rule, the ORCA manual and GPGM were updated in July of 2026, which was supported by a temp rule filing. This rule process is to adopt the most recent versions of each manual and incorporate compliance and enforcement practices of the Affordable Rental Housing (ARH) division into permanent rule.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. ORCA manual: https://www.oregon.gov/ohcs/rental-housing/housing-development/oregon-centralized-application-orca/Documents/how-to-apply/orca-manual-july-2026.pdf

2. GPGM manual: https://www.oregon.gov/ohcs/rental-housing/housing-development/Documents/general-policy-guideline-manual-july-2026.pdf

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STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The ORCA process is set up to allow for better engagement with culturally specific organizations, and has set aside funding for CSOs, tribes, and other organizationally directed priorities. It is also important to note that the ORCA Manual is an ever-changing, live document. Alongside the regular manual updates, there is targeted engagement around the racial/equity impact of the ORCA that policy staff do their best to integrate into the manual itself. Adopting this manual into rule increases the visibility and access of ORCA processes and resources as well.

FISCAL AND ECONOMIC IMPACT:

These rules influence partners including private, nonprofit, local government, small businesses, culturally specific organizations (CSOs), and others whose work is a part of the application review, and ongoing monitoring stages of Affordable Rental Housing (ARH) funded projects. Projects that apply for funding through the Oregon Centralized Application (ORCA) may experience fiscal impacts of the changes to the ORCA manual and General Policy and Guideline Manual (GPGM). The fiscal impacts of policy changes may play out over time with a potential uptick around change rollout. Due to the status of the waitlist and available funding, applicants may be subject to additional costs to remain eligible for OHCS funding, as funding is available. OHCS and ARH shall work through the waitlist as described by policy.

COST OF COMPLIANCE:
(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

OHCS partners who pursue funding through the ORCA are impacted by these rules. The ORCA manual and GPGM guide the application and underwriting processes for the ARH funding system. OHCS maintains records via the Procorem and Prolink system. For applicants, this is provided following intake. Applicants will require equipment and capacity to access the procorem workcenter as part of their application, and will require ongoing capacity to adhere to OHCS reporting requirements. Reporting requirements vary depending on each project and the funding sources involved. This may include documentation for federal regulation as well as state monitoring. The administrative burden varies depending on the size, scope, and complexity of each project. OHCS offers support via our Technical Advisors to navigate the ORCA application process.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

These rules and revisions are not intended to have a targeted impact on small businesses, however OHCS acknowledges that any change to policy may impact entire project teams from developers, to architects, general contractors, subcontractors, and other teams who partner with developers to work on a project. OHCS offers support via our Technical Advisors to navigate the ORCA application process and respective policy changes.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:

These rules do not directly impact the development of single-family homes, but OHCS acknowledges that policy changes around the development of affordable rental housing can have indirect impacts on single-family home development.

RULES PROPOSED:
813-002-0005, 813-002-0015, 813-002-0020, 813-002-0051, 813-002-0053, 813-005-0055

AMEND: 813-002-0005

RULE SUMMARY: To clarify Division 2 rules is designed to govern ARH ORCA process.

CHANGES TO RULE:

813-002-0005
Purpose and Objectives
OAR Chapter 813, Division 2 establishes the rules and guidelines for the Affordable Rental Housing (ARH) Division within the Oregon Housing and Community Services Department (OHCS). ~~This~~ Division 2 is designed to govern the ARH ~~division's rules and policies for the entire division~~Oregon Centralized Application (ORCA) process.
Statutory/Other Authority: ORS 458.210 - 458.740, HB 3395 (2023), ORS 456.250 - 456.395, ORS 456.500 - 456.723, ORS 458.210 - 458.740
Statutes/Other Implemented: ORS 458.210 - 458.740, HB 3395 (2023), ORS 456.250 - 456.395, ORS 458.210 - 458.740

AMEND: 813-002-0015

RULE SUMMARY: References most up to date OHCS manuals for the Affordable Rental Housing Division.

CHANGES TO RULE:

813-002-0015
Governance and Decision Making
(1) ARH may develop, review, and propose changes to policies as necessary to address evolving housing needs, market conditions, and legislative mandates.¶
(2) The General Policy and Guideline Manual (GPGM) dated ~~May 6~~July 13, 202~~4~~6, ~~as amended from time to time,~~ is incorporated into this Division 2 by reference. The GPGM may be accessed on the OHCS webpage.¶
(3) The Oregon Centralized Application (ORCA) Manual dated July 13, 2026, is incorporated into this Division 2 by reference. The ORCA Manual may be accessed on the OHCS webpage.
Statutory/Other Authority: 456.250 - 456.395, 456.500 - 456.723, 458.210 - 458.740
Statutes/Other Implemented: 456.250 - 456.395, 456.500 - 456.723, 458.210 - 458.740

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

NOTE: Attachments referenced are attached to this document. You may view the attachment 813-002-0015.pdf from the Attachments panel. Alternately, you may view the attachments at the following link:
https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=339807

AMEND: 813-002-0020

RULE SUMMARY: Updated to incorporate financial transparency guidance.

CHANGES TO RULE:

813-002-0020
Public Input
(1) Public feedback may be provided to ARH using the Housing Stability Council public feedback process which is published on the OHCS website. ¶
(2) ARH Funding Applicants and prospective Applicant input may also be provided to ARH through the OHCS General Housing email inbox at app.team@hcs.oregon.gov. ¶
(3) Project Owners that receive ongoing OHCS compliance monitoring may also provide feedback regarding ARH policies by using the methods listed above or by contacting the ARH staff member responsible for monitoring their project. ¶
(4) Tenants residing in properties that receive ongoing OHCS compliance monitoring may provide feedback regarding ARH policies by using the methods listed in this section. ¶
(5) Public feedback will be taken under consideration by ARH. ARH will retain sole discretion for final decision-making regarding the feedback provided by the public. ¶
(6) To support public input and transparency, OHCS may voluntarily disclose documents or information, including in public meetings, published materials, or other public engagement, even if the documents or information would be exempt from required disclosure under the Oregon Public Records Law, ORS 192.311 to 192.478. Documents or information OHCS may disclose under this section include, but are not limited to, development costs for projects that apply for or receive funding. OHCS will not disclose documents or information under this section if disclosure is otherwise prohibited by law, court order, or a contractual obligation OHCS has undertaken in writing.
Statutory/Other Authority: 456.250 - 456.395,, 456.500 - 456.723, 458.210 - 458.740
Statutes/Other Implemented: 456.250 - 456.395,, 456.500 - 456.723, 458.210 - 458.740, 192.311 - 192.478

ADOPT: 813-002-0051

RULE SUMMARY: Adopting compliance monitoring and authority rules for Division 2.

CHANGES TO RULE:

813-002-0051
Compliance Monitoring and Authority
(1) The ARH Division operates a compliance monitoring system to ensure projects receiving ARH funding assistance maintain ongoing compliance with approved project plans. project plans may include but are not limited to the following requirements:¶
(a) Funding program requirements, and¶
(b) Relevant regulation including applicable administrative rules (including incorporated manuals), and¶
(c) ARH department directives, and¶
(d) Legal agreements, and¶
(e) Any other ARH requirement which may be enforced at ARH's sole discretion or otherwise.¶
(2)(a) The project owner must maintain all financial records relating to an ARH funded project in accordance with generally accepted accounting principles. The project owner may also maintain other records satisfactory to ARH standards and requirements.¶
(b) The project owner must maintain all tenant file records relating to an ARH funded project in accordance with state and federal regulations, as well as ARH policies. The project owner may also maintain other records satisfactory to program compliance and ARH standards and requirements.¶
(c) The project owner must retain and keep accessible all such records, books, documents, papers, plans, records of shipments, payments, and writings throughout the affordability period or for as long as required by the ARH funding agreement.¶
(d) The project owner must provide requested records, books, documents, papers, plans, records of shipments, payments, and writings to ARH upon request, whether in paper, electronic, or other form, for the purpose of examinations, audits, making excerpts or, transcripts, and taking copies.¶
(e) The project owner shall retain supporting documents and all other pertinent records with respect to a project until six years after the project affordability period for the respective source of funding ends, or six years after any relevant litigation or audit claim is resolved, whichever is later.¶
(3) The project owner must provide an annual continued program compliance certification, in a format and on a schedule approved by ARH, that confirms the project owner is fulfilling all obligations required of the funding source(s). ARH may also require the project owner to submit additional information or reports to ARH upon request.¶
(4) Projects receiving any funding through ARH are subject to regulatory reviews that are required by state, federal, or OHCS program requirements.¶
(5) The project owner shall cooperate fully with all audits, reviews, and field inspections, or other monitoring actions required by ARH, and shall comply with any resulting correction directives.¶
(6)(a) The project owner shall act promptly to correct any deficiencies identified by ARH through audits, file or document reviews, field inspections, or any other method of compliance monitoring.¶
(b) The project owner shall correct deficiencies within thirty 30 to sixty 60 days after notice from ARH, unless earlier correction is required to address material health or safety needs of tenants. If a deficiency is required to be corrected to address the material health or safety needs of tenants, the project owner shall correct or abate such deficiencies within twenty-four hours after notice from ARH.¶
(c) In the event of a foreclosure, deed in lieu of foreclosure, or similar event with respect to an ARH-funded project, the correction period for the successor for an existing event of noncompliance shall be no less than thirty days from the earlier of the date the successor obtains control or becomes the new project owner.¶
(d) ARH may, at its sole discretion, extend the thirty-day correction period for up to six months.
Statutory/Other Authority: 456.250 - 456.395, 456.500 - 456.723, 458.210 - 458.740
Statutes/Other Implemented: 456.250 - 456.395, 456.500 - 456.723, 458.210 - 458.740

ADOPT: 813-002-0053

RULE SUMMARY: Adopting Enforcement rules for Division 2.

CHANGES TO RULE:

813-002-0053
Enforcement
(1) The ARH division is authorized to enforce compliance and may take appropriate enforcement actions including, but not limited to, sanctions, fees, charges, recall of conditional commitment to a project funding, and corrective measures to address violations.¶
(2) Failure to utilize the appeals processes as specified by the applicable OHCS program or ORCA process, may be considered acceptance of the enforcement decisions made by ARH.
Statutory/Other Authority: 456.250 - 456.395, 456.500 - 456.723, 458.210 - 458.740
Statutes/Other Implemented: 456.250 - 456.395, 456.500 - 456.723, 458.210 - 458.740

AMEND: 813-005-0055

RULE SUMMARY: Updating the public record rule to include current requirements.

CHANGES TO RULE:

813-005-0055
Access to Public Records and Related ~~Charg~~Fees
(1) The~~ Administrative Ris rules~~ sets forth ~~in Chapter 813, Division 005, Section 0055 apply to all~~procedures for access to public records for which Oregon Housing and Community Services (OHCS) is the custodian.¶
~~(2) The Director or designee, in carrying out responsibilities of ORS 192.318, as custodian of¶~~
~~public records, shall:¶~~
~~(a) Allow access to and disclosure of the public records subject to ORS 192.311 to 192.338;¶~~
(~~b~~2) ~~Make restrictions and take precautions necessary to protect the integrity of the records and prevent interference with the regular discharge of OHCS's duties; and¶~~
~~(c) Allow for inspection of OHCS's public records during normal working days and hours at the location which the records reside, or any other reasonable location designated by the Director or designee.¶~~
~~(3) A request to inspect or obtain copies of a public record of OHCS shall be made in writing to the Di~~A review of the requested rec~~t~~or~~ or designee, and shall include:¶~~
~~(a) The name, address and telephone number of the requestor;¶~~
~~(b) Identification of the records from which information is requested, if known;¶~~
~~(c) The time period the records were produced and officials involved in producing the records or other relevant information, if known;¶~~
~~(d) The format in which the information is needed (i.e. photocopies, audio, machine readable, or electronic format, etc.);¶~~
~~(e) The number of copies needed, if copies are requested; and¶~~
~~(f) Instruction to OHCS to certify copies, if necessary.¶~~
~~(4) The Director or designee may waive the requirement, under paragraph (2) of this rule, for a request to be in writing, if it is determined that effective administration is aided by the waiver.¶~~
~~(5) A review of the requested records will be conducted by OHCS~~ds will be conducted by the department as necessary to determine whether the records are exempt from disclosure, in accordance with ORS 192.311 to 192.478 and any other references establishing an exemption to disclosure of public records.¶
(~~6~~3) The ~~Director or designee will advise the requestor, within a reasonable amount of time, whether the records may be disclosed, the date, time, and place they may be inspected or obtain copies of the records, and the estimated cost of inspection, duplication, and other related fees as described in OAR 813-005-0055(9).¶~~
~~(7) If the requested records contain information exempt from disclosure, the requestor will be furnished a copy of the record with the exempt material redacted.¶~~
~~(8) The D~~director or designee may require and designate an OHCS employee to supervise the inspection of requested records.¶
(~~9~~4) ~~OHCS~~The department will follow the Department Administrative Services' ~~(DAS) established fees and miscellaneous charges for providing access to or copies of public records in paper, electronic, or other format, based on the actual costs of preparing and providing the records. Costs associated with a request for public records may include per page copy and facsimile fees, postage when applicable, staff time to locate, review, redact information exempt from disclosure, and/or transfer the material to a requested electronic or other necessary format appropriate for releas~~fees policy and ORS 192.324(7) to estimate all public record request costs of preparing and providing the ~~public~~ record~~(s)~~s.¶
(~~10~~5) No additional fee will be charged for providing records in an alternative format when required by the Americans with Disabilities Act.¶
(~~11~~6) The ~~D~~director or designee may reduce or waive fees when the requester submits a completed ~~the~~ Public Interest Waiver Form~~, found on~~ to the OHCS ~~Public~~ Records ~~website.~~Officer.¶
(a) If the waiver form contains missing or incomplete information, the ~~D~~department may seek clarification from the requestor.¶
(b) the Public Interest Waiver Form is made available through the OHCS Records Officer. ¶
(~~12~~7) To conserve and protect public resources, photocopies will be produced on recycled paper in double-sided print format whenever feasible to reduce costs and paper waste and electronic delivery is the preferred delivery method of the department records.¶
(8) All fees and charges must be paid in advance of releasing the requested public records ~~for inspection~~ or before photocopies are provided.~~ Payments must be made by check or money order and~~¶
(9) The department prefers online payments to help expedite the request. Payments may be made by check or

money order.¶
(a) Checks or money orders must be made payable to O~~HCS and mailed to~~ regon Housing and Community Services and sent to OHCS, Public Records Request¶
725 Summer St NE Salem, OR 97301.~~-~~¶
(~~13~~b) T~~o conserve and protect public resources, photocopies will be produced on recycled paper in double-sided print format whenever feasible to reduce costs and paper waste.¶~~
~~(14) Electronic delivery is~~he requestor must include the public record request number assigned by the OHCS Records Officer in the memo section of the check or money order when using those p~~referred delivery method of OHCS records response./¶~~
ayment methods.¶
/(1~~5~~0) Records request fees will only apply to the review and redaction of the first public records request ~~for records. Any s~~. Subsequential ~~public~~ record~~s~~ requests, for the same records, will not result in ~~any invoicing~~fees as the records have previously been reviewed by the department and made available for public disclosure.
Statutory/Other Authority: ORS 192.31~~8~~1, ~~ORS~~ 192.4~~30, ORS~~78, 456.555
Statutes/Other Implemented: ORS 192.311, ~~ORS~~192.478, 192.355, ~~ORS~~ 192.338