

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

1-11

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on [January 11, 2007] by the
Date prior to or same as filing date

Oregon Housing and Community Services Department

813

Agency and Division

Administrative Rules Chapter Number

Sandy McDonnell

725 Summer Street NE, Suite B, Salem, Oregon 97301-1266

503.986-2012

Rules Coordinator

Address

Telephone

to become effective [January 11, 2007].
Date upon filing or later

Rulemaking Notice was published in the [December, 2006] Oregon Bulletin.**
Month and Year

RULE CAPTION

Clarifies terms, fund uses, eligible applicants, projects and activities; and applicable program charges.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT: 813-205-0052; 813-205-0085; 813-205-0100; 813-205-0110; 813-205-0120; 813-205-0130

AMEND: 813-205-0000; 813-205-0010; 813-205-0020; 813-205-0030; 813-205-0040; 813-205-0050; 813-205-0051; 813-205-0060; 813-205-0070; 813-205-0080

REPEAL: 813-205-0000T; 813-205-0010T; 813-205-0020T; 813-205-0030T; 813-205-0040T; 813-205-0050T; 813-205-0051T; 813-205-0052T; 813-205-0060T; 813-205-0070T; 813-205-0080T; 813-205-0085T; 813-205-0100T; 813-205-0110T; 813-205-0120T; 813-205-0130T

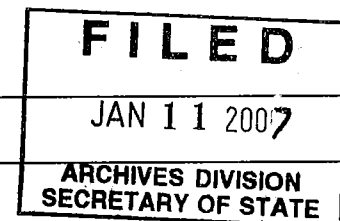
RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 456.555; 458.505 – 458.545

Other Auth.:

Stats. Implemented: ORS 456.555, 458.505 – 458.545



RULE SUMMARY

813-205-0000 Clarifies purpose and operation of the program.

813-205-0010 Add terms and definitions applicable to the program. Provides clarification of common terms and definitions within the program.

813-205-0020 Administrative changes. Clarified the program's objective. 813-205-0020(2) clarified the funding sources for the program.

813-205-0030 Clarified for easier readability.

813-205-0040(4) Allows the property owner to assign tax credits to the subgrantee providing weatherization services.

813-205-0050 Stipulates that Lead Safe Work Practices will be practiced on all dwellings constructed prior to 1978 unless it can be proven that a lead hazard does not exist.

813-205-0052 Stipulates that the department will allocate funds received as a result of legal settlement or other actions to improve and address the energy needs of low-income households.

813-205-0060 Administrative changes.

813-205-0070 (4) A Subgrantee Agency shall receive authorization from the Department for the purchase of a vehicle regardless of cost with grant funds.

813-205-0080 Administrative changes.

813-205-0085 Designates the statutory authority of the department to administer the Program through the activities of the Housing Division for low-income affordable rental housing development.

813-205-0100 Defines the applicants that are eligible to participate in the program. Establishes that the department may require application charges.

813-205-0110 Defines the eligible projects for participating in the program.

813-205-0120 Defines the eligible activities for the program.

813-205-0130 Defines how funds may be awarded to applicants.



Victor Merced

January 11, 2007

Authorized Signer

Printed name

Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. **The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday.

ARC 930-2005

DIVISION 205

LOW-INCOME WEATHERIZATION ASSISTANCE PROGRAM

813-205-0000

Purpose and Objectives

The rules of OAR chapter 813, division 205, are established to accomplish the general purpose of ORS 456.515 through 456.725, which sets forth the role of the Housing and Community Services Department, and ORS 458.505 to 458.545, specifically 458.505 to 458.515, which designates the Housing and Community Services Department as the state agency responsible for administering state and federal antipoverty programs in Oregon. These administrative rules describe the Weatherization Programs, which operate at the local level through antipoverty programs in Oregon. These Administrative rules describe the Weatherization Programs which operate at two local levels through:

- 1) A network of service-provider agencies (Low Income Weatherization Assistance Program) and
- 2) Developers of affordable rental housing (Low-Income Weatherization Program).

Stat Auth.: ORS 458.505 - ORS 458.545

Stats. Implemented: ORS 458.505 - ORS 458.515

813-205-0010

Definitions

All terms are used in OAR chapter 813, division 205, as defined in the Act, and as provided in OAR 813-005-0005 and herein. As used in these rules, unless otherwise indicated by the context:

- (1) "ACE" means Advisory Committee on Energy.
- (2) "Applicant" means project sponsor, developer, borrower or income eligible applicant.
- (3) "Client Energy Education" means the activities and instruction designed to help low-income clients make appropriate decisions and life-style changes to effectively reduce energy consumption.
- (4) "Community Resources Department (CRD) Grant Application" means the biennial planning document approved by the Department that outlines how each Subgrantee Agency determines its community's needs, including what forum is used to solicit input and who participates; summarizes each area's needs, goals and outcome-based objective; and contains a quarterly reporting requirement that lets the Department and the agency determine if benchmarks are being met.
- (5) "Consolidated Funding Cycle (CFC)" means any activities, reviews, applications and associated funding in regard to the open, competitive process to distribute grant and tax credit funds for affordable, multi-unit, low-income rental housing development.

(6) "Department" means the Housing and Community Services Department of the State of Oregon.

(7) "Director" means the Director of the Department of Housing and Community Services.

(8) "Disabled" means a physical or mental impairment as outlined in **Section 504 of the Rehabilitation Act of 1973, as amended.**

(9) "DOE" means the state Department of Energy.

(10) "ECHO" means Energy Conservation Helping Oregonians, enacted by the 1999-2001 Oregon Legislature.

(11) "Elderly" means those Persons 60 years of age and over as applied to the Low Income Weatherization Assistance Program.

(12) "Household" means any individual or group of individuals who are living together as one economic unit and purchase residential energy in common.

(13) "Housing Division" means the roles and duties of the Housing Finance Section, Housing Resources Section, Single-Family Finance Section and Department architects.

(14) "Income" means the total Household receipts before taxes from all sources. Income may be reduced by deductions allowed by the Department. Income does not mean assets or funds over which the applicant has no control.

(15) "LIEAP" is Oregon's Low Income Energy Assistance Program funded through the U.S. Department of Health and Human Services (HHS). Federally it is identified as LIHEAP, which refers to the Low Income Home Energy Assistance Program.

(16) "Low-Income" for the purposes of this Rule, means a household or person whose annual gross annual income is at or below 60 percent of an area's median income.

(17) "Low-Income Weatherization Assistance Program" means an energy efficiency update-program available to households whose total household income is at or below 60% of statewide median income. Energy efficient improvements may include shell measures, base-load, health & safety, minor repair and education.

(18) "Low-Income Weatherization Program" means funding program administered by the Housing Finance and Housing Resources Sections awarded to projects for weatherization and energy conservation activities in new construction or rehabilitation of low-income affordable rental housing projects as further described in OAR 813-205-0090 through 813-205-0140.

(19) "Multi-Family Building" means any residential building containing five (5) or more separate living quarters. This applies to Low-Income Weatherization Assistance and CRD only.

(20) "ODOE" means Oregon Department of Energy.

(21) "Oregon State Plan" means the U.S. Department of Energy (DOE) State Plan and/or the U.S. HHS Low-Income Energy Assistance Program (LIEAP) State Plan.

(22) "PVE" means Petroleum Violation Escrow Fund, a funding source resulting from the U.S. Court's decision on oil company overcharges, used in

low-income weatherization projects throughout the State of Oregon, based on available funding.

(23) "Recipient" means successful applicant awarded project funding via a CFC funding cycle.

(24) "Special Population Agency" means an organization formed to serve the unique needs of an identified segment of the population.

(25) "Sponsor" means principle lead recipient, for affordable housing, on behalf of a non-profit or for profit entity applying for project funding for new construction or rehabilitation of existing projects in need of funding.

(26) "State Housing Council" means an OHCS policymaking board, appointed by the Governor of the State of Oregon.

(27) "Statewide Median Income" means the "median" family income in the state determined by the Department. In determining median family income in the state, the Department may, in its discretion, use the official standard established by the U.S. Department of HHS or the U.S. Department of Housing and Urban Development, adjusted for family size.

(28) "Subgrantee Agency" means a local agency or organization with whom the Department has contracted to administer Program activities and services at the local level.

(29) "T&TA Activities" means training and technical assistance activities designed to maximize energy savings, minimize production costs, improve program management, and/or reduce the potential for waste, fraud and abuse.

Stat Auth.: ORS 456.515 - 456.725; ORS 458.505 - ORS 458.545

Stats. Implemented: ORS 458.505 - ORS 458.515

813-205-0020

Program Administration, Low-Income Weatherization Assistance Program

(1) The Department has been designated by the Governor of the State of Oregon as the state agency that shall have responsibility to apply for, receive and administer federal funds available from the U.S. Department of Energy under the **Energy Conservation in Existing Building Act of 1976**. The Program's objective is to provide weatherization assistance for lower-income households, with priority given to the elderly, those with disabilities and households with children under six years of age.

(2) The Department receives funding for the Program from a number of sources in addition to the DOE. These include the Low-Income Energy Assistance Act (LIEAP), the Bonneville Power Administration (BPA), Petroleum Violation Escrow (PVE) funds and Energy Conservation Helping Oregonians (ECHO) as established through SB1149 during the 1999-2001 legislative biennium.

(3) The Department intends to utilize the existing network of service-provider agencies to administer Program services and activities at the local level.

(a) For the purpose of the Program, these agencies, which include Community Action Agencies, Limited Purpose Organizations, Area Agencies on Aging and Special Population Organizations, shall be identified as Subgrantee Agencies.

(b) In order to be eligible to administer the Program at the local level, a Subgrantee Agency shall have an approved Refunding Application and/or Biennium Grant Application on file with the Department. A Subgrantee Agency may contract with another organization to provide a Program service or activity in the Subgrantee Agency's service area.

(c) Each Subgrantee Agency shall follow the procedures outlined in the Oregon State Plan unless specific rules exist related to a particular grant that over rides the Oregon State Plan. These procedures include identifying potential applicants, certifying eligibility and providing weatherization services to eligible dwelling units within its geographic service area.

(d) The Department shall fund only one Subgrantee Agency within any geographical area.

(A) The Department may make an exception to this policy for a Special Population Organization.

(B)(i) If the Department makes an exception for a Special Population Organization and allows two Subgrantee Agencies to operate within a common geographical area, a Memorandum of Agreement shall first be negotiated to insure full access to the Program for all persons within the geographical area to prevent duplication of services.

(ii) The Department shall conduct a periodic evaluation of each Subgrantee Agency's Program performance. Factors that may be considered in this evaluation include, but are not limited to, the level of service provided, ease of access to applicants, error rate, and compatibility with other community service programs.

(iii) If an agency is deemed to be deficient and the Department is not assured of improvement in its performance, the Department may contract with another Subgrantee Agency for future Program operation.

Stat Auth.: ORS 456.515 - 456.725; ORS 458.505 - ORS 458.545

Stats. Implemented: ORS 458.505 - ORS 458.515

813-205-0030

Eligible Applicants, Low-Income Weatherization Assistance Program

To be eligible to receive assistance under the Program, a Household shall meet the requirements outlined in the Oregon State Plan, which shall include, but is not limited to:

(1) Income guidelines for the Program, as follows:

(a) A Household whose Income is at or below 60 percent of Statewide Median Income is eligible to participate in the Program.

(b) A Household who has a member receiving Supplemental Security Income (SSI) is eligible regardless of income.

(c) The period for determining eligibility shall not be more than the past 12 months from the date of application or less than the past 30 days from the date of application.

(d) A Person or Household who has applied for and been found eligible for the Low Income Home Energy Assistance Program (LIHEAP) shall be considered eligible for assistance under the Low-Income Weatherization

Program. A LIHEAP income certification shall serve as evidence of income eligibility.

(2) Both renters and homeowners shall be eligible and those Households in similar circumstances shall receive similar benefits.

(3)(a) No Person shall on the grounds of race, color, national origin or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any activity funded in whole or in part with funds made available from the Program.

(b) A Subgrantee Agency shall provide assurances to the Department that it complies with any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1973.

(4) Each Subgrantee Agency shall establish a waiting list to receive weatherization services.

(a) The Subgrantee Agency shall identify criteria for determining applicant priority on the waiting list. Priority shall be given to those who are:

(A) Elderly;

(B) Disabled; and

(C) Households with children under six (6) years of age.

(b) Additional applicant priority criteria may be developed and may include, but is not limited to, those that encourage leveraging additional resources or the potential for energy savings.

(c) The criteria must be in writing and on file with the Subgrantee Agency and included in the CRD Plan.

(d) The priority criteria must be used consistently for all applicants unless the Subgrantee Agency is involved in a Department-sanctioned special project.

Stat Auth.: ORS 456.515 - 456.725; ORS 458.505 - ORS 458.545

Stats. Implemented: ORS 458.505 - ORS 458.515

813-205-0040

Eligible Activities, Low-Income Weatherization Assistance Program

(1) Under the Low Income Weatherization Program, a Subgrantee Agency may provide one or more of the following services to an eligible applicant:

(a) General weatherization measures, that include, but are not limited to, general heat waste, insulation, heating system repair and replacement, health and safety inspections and improvements, baseload measures, and Client Energy Education.

(b) Repair measures, which are measures necessary for the effective energy savings performance or preservation of weatherization materials.

(2) The Department shall allocate up to five (5) percent of the Program's funds (unless specified by the Grantor) for T&TA Activities intended to maintain or increase the efficiency, quality and effectiveness of the Program at all levels.

(3) Department staff shall provide technical assistance to a Subgrantee Agency on a variety of issues designed to assist a Subgrantee Agency to

improve its management of Program activities and increase the effectiveness of its customer service efforts.

(4) The property owner may sell multifamily Business Energy Tax Credits generated through the weatherization of investment property or assign said tax credits to the subgrantee providing weatherization services.

(5)(a) Buildings (five or more units in one building) and mobile home parks (three or more mobile homes that pay space rent on a single parcel of land) can be weatherized if 66.2/3% of the units are occupied by income eligible households.

(b) Prior to weatherizing a Mobile Home Park, subgrantees must submit a work plan to the Department and have the work plan approved.

(6) Multifamily buildings and Mobile Home Park where the owner pays 25% or more of the total cost of weatherization may qualify buildings where 50% of the occupants meet income eligibility guidelines.

Stat Auth.: ORS 456.515 - 456.725; ORS 458.505 - ORS 458.545

Stats. Implemented: ORS 458.505 - ORS 458.515

813-205-0050

Fund Uses (Federal), Low-Income Weatherization Assistance Program

The Department shall allocate funds received under the Program(s) through an allocation formula.

(1) The Department may set aside up to ten percent of the Program's funds for farmworkers. A Subgrantee Agency may receive an allocation based on the percent of farmworker population measured in the state as a whole.

(2) The Department may set aside up to three percent of the Program's funds for Native American populations:

(a) The Department may provide direct funding to Native American Tribes;
or (b) The Department may allocate funds to a Subgrantee Agency with recognized Native American populations.

(3) Funds remaining after administrative, T&TA and set-aside monies have been removed shall be allocated to Subgrantee Agencies using an allocation formula, outlined in the Oregon State Plan, based on percent of poverty low-income households in a service area and heating degree days.

(4)(a) No DOE funds shall be expended for the items or services not listed or do not comply with the standards in **10 CFR part 440.21**. The Department may move grant funds from Subgrantee Agencies who are having difficulty spending in a timely manner to Subgrantees who have spent out their funds prior to the end of the grant period.

(b) At least once a year the Department will review the spending patterns of Subgrantee Agencies for the purpose of reallocating funds.

(5) Lead Safe Work Practices shall be practiced on all dwellings constructed prior to 1978 unless it can be proven that a lead hazard does not exist.

Stat Auth.: ORS 456.515 - 456.725; ORS 458.505 - ORS 458.545

Stats. Implemented: ORS 458.505 - ORS 458.515

813-205-0051**Fund Uses (ECHO), Low-Income Weatherization Assistance Program**

The Department shall allocate funds received under public purposes.

(1)(a) Allocation shall be based on the number of residential meters of a participating utility within the service territory of a weatherization subgrantee as a percentage of that utility's total residential meters statewide.

(b) Once a year on July 1st the Department will contact each utility and request a residential meter count by county. This information will be used to adjust allocations to participating weatherization agencies.

(2)(a) Households must receive electric service from Pacific Power or Portland General Electric.

(b) Only households that use hard wired electrical systems as their primary heat source are eligible to receive weatherization, baseload and educational services. Households that heat with other fuels may receive baseload measures and energy-education services only.

(3) No Bonneville Power Administration (BPA) funds shall be used in conjunction with ECHO funds.

(4)(a) The Department shall work with Subgrantee Agencies to reallocate funds from agencies unable to spend out within the allotted grant period to agencies who have spent out early.

(b) At least once a year the Department will review the spending patterns of Subgrantee Agencies for the purpose of reallocating funds.

(5) The Department may reallocate funds to programs outside the existing services network (Subgrantee Agencies) for special projects and pilots once all Subgrantee Agencies funding needs have been met.

(6) Lead Safe Work Practices shall be practiced on all dwellings constructed prior to 1978 unless it can be proven that a lead hazard does not exist.

(7)(a) Subgrantees shall follow the approved ECHO Low Income Weatherization Guidelines when delivering ECHO services.

(b) The ECHO Low Income Weatherization Guidelines shall be reviewed yearly. Any changes must be reviewed by the Advisory Committee on Energy (ACE).

Stat Auth.: ORS 456.515 - 456.725; ORS 458.505 - ORS 458.545

Stats. Implemented: ORS 458.505 - ORS 458.515

813-205-0052**Fund Uses (Other), Low Income Weatherization Assistance Program**

The Department shall allocate funds received as a result of legal settlement or other actions to improve and address the energy needs of low-income households.

Stat Auth.: ORS 456.515 - 456.725; ORS 458.505 - ORS 458.545

Stats. Implemented: ORS 458.505 - ORS 458.515

813-205-0060

Authorizations, Low-Income Weatherization Assistance Program

(1) Prior to weatherizing residential units, the owner or authorized agent shall give written permission for the weatherization assistance. Such written authorization must include:

- (a) Location of dwelling (physical street address);
- (b) Name of eligible tenant, if applicable; and
- (c) Specific work to be done.

(2) If the dwelling to be weatherized is a rental unit, the Subgrantee Agency has the responsibility to:

- (a) Insure that no rental dwelling unit shall be weatherized without first obtaining the written permission of the owner or the owner's authorized agent;
- (b) Establish procedures to be approved by the Department to insure that:
 - (A) The benefits of weatherization assistance shall accrue primarily to the low-income residents;
 - (B) Rents shall not be raised as a result of the weatherization assistance;
 - (C) No undue or excessive enhancement shall occur to the value of the dwelling unit(s). If a dwelling is sold within one year after being weatherized, the subgrantee may require the seller to reimburse the subgrantee agency for actual cost of weatherization on a prorated basis determined based on the energy cost buyback of measures; and
 - (D) Weatherization services shall not be provided to eligible clients who pay their energy cost as part of their rent, unless the landlord agrees to make reductions in rent to reflect the reductions in fuel costs associated with the weatherization activities, or there are health or safety reasons which justify weatherization.

Stat Auth.: ORS 456.515 - 456.725; ORS 458.505 - ORS 458.545

Stats. Implemented: ORS 458.505 - ORS 458.515

813-205-0070

Fiscal Control/Reporting Requirements/Documentation, Low-Income Weatherization Assistance Program

A Subgrantee Agency has a number of responsibilities under the Program. These responsibilities, which are detailed in the Oregon State Plan and the CRD Plan (Refunding Application/Biennium Grant Application) include, but are not limited to, the following:

- (1) A Subgrantee Agency shall maintain records that document the receipt and dispersal of all funds provided through the Program.
- (2) A Subgrantee Agency shall maintain records that document the clients receiving services through the Program. Such records shall be in a format designated by the Department.
- (3) A Subgrantee Agency shall have in place an inventory control system, travel regulations and a financial operations manual.
- (4) A Subgrantee Agency shall receive authorization from the Department for purchases or lease of acquisitions in excess of \$5,000 or the purchase of a vehicle regardless of cost with grant funds.

(5) A Subgrantee Agency shall, within 15 working days following the end of each calendar quarter, provide the Department with a report detailing the progress made toward the Program objective(s), and all administrative and Program expenditures. Such reports shall be in a format designated by the Department.

(6) A Subgrantee Agency shall, within 90 days after the close of the agency's fiscal year, provide the Department with an annual audit of weatherization funds. The audit shall be conducted by a Certified Public Accountant.

Stat Auth.: ORS 456.515 - 456.725; ORS 458.505 - ORS 458.545

Stats. Implemented: ORS 458.505 - ORS 458.515

813-205-0080

Monitoring, Low-Income Weatherization Assistance Program

(1) The Department shall monitor the Subgrantee Agency's annual audit to verify information received on the quarterly reports and clarify questions raised by the Department, the Subgrantee Agency or the auditor.

(2) The Department shall monitor all quarterly reports to determine compliance with program requirements, monitor spending patterns and chart program progresses. Any irregularities or questions raised by the in-house review shall be sufficient reason to schedule an on-site review.

(3) The Department may conduct an on-site review of a Subgrantee Agency on an annual basis and when required in 813-205-0080(2). During an on-site review, the following, at a minimum, shall be reviewed:

- (a) Financial records;
- (b) Inventory system;
- (c) Client files;
- (d) Work completed;
- (e) Subgrantee Agency post-installation inspection;
- (f) Subgrantee Agency review; and
- (g) Provide training and technical assistance.

Stat Auth.: ORS 456.515 - 456.725; ORS 458.505 - ORS 458.545

Stats. Implemented: ORS 458.505 - ORS 458.515

813-205-0085

Program Administration, Low-Income Weatherization Program

The Department has been designated by ORS 757.612 to have the responsibility to administer the Low-Income Weatherization Program through the activities of the Housing Division. The funds are available for low-income, affordable rental housing development.

Stat Auth.: ORS 456.515 - 456.725; ORS 458.505 - ORS 458.545

Stats. Implemented: ORS 458.505 - ORS 458.515

813-205-0100

Eligible Applicants, Low-Income Weatherization Program

(1) Eligible applicants include for-profit businesses, local government entities and not-for-profit organizations including, but not limited to, cities, counties, housing authorities, not-for-profit community organizations, regional or statewide not-for-profit entities and private individuals or corporations.

(2) The sponsor must agree to enter into a financial assistance agreement with the Department and to record against the project's property a restrictive covenant to assure continuing compliance with all affordability requirements of the Program.

(3) The Department may require a non-refundable application charge from any applicant requesting Low-Income Weatherization Assistance funds through the Consolidated Funding Cycle or otherwise.

(4) The Department may require a supplemental application charge from applicants requesting additional resources for projects that have already been funded by the Department.

(5) The Department may require a transfer application charge from owners of projects that receive grants or tax credits through the Department, who request the Department's approval of a change in project ownership. The Department may assess a transfer review charge to project owners and transferees who effect a change in project ownership without prior written Department approval.

Stat Auth.: ORS 456.515 - 456.725; ORS 458.505 - ORS 458.545

Stats. Implemented: ORS 458.505 - ORS 458.515

813-205-0110

Eligible Projects, Low-Income Weatherization Program

(1) The following requirements, as well as the requirements of the Department's bond programs, the Consolidated Funding Cycle (CFC) process and other application processes and charges apply to all projects:

(a) ECHO funding is limited to projects located in the PacifiCorp (PC) and Portland General Electric (PGE) service areas. Projects that use hard wired electrical systems as their primary heat source are eligible to receive ECHO resources for weatherization, and baseload services. Projects in PC and PGE service areas that heat with other fuels may receive baseload measures only.

(b) The Department will accept applications for weatherization funding for projects located outside PC and PGE service areas, only when other than PC and PGE funds are available.

(c) New construction projects which specify higher than code minimums on insulation, windows, appliances and lighting are eligible.

(d) Acquisition/rehabilitation projects that specify upgrades from original levels of insulation, windows, appliances and lighting are eligible.

(e) This program is targeted for households that are low-income. At least one-half of the units in the project must be rented to households whose income is at or below 60 percent of the area median income as defined by the U.S. Department of Housing and Urban Development (HUD).

(f) The project must remain affordable for a minimum of 10 years, unless superceded by other department resources requirements.

(g) Applicants may be subject to prevailing wage requirements with the use of public funds such as the Low-Income Weatherization Program. Applicants should contact the Bureau of Labor and Industries for the requirements of the state program or their legal representative.

Stat Auth.: ORS 456.515 - 456.725; ORS 458.505 - ORS 458.545

Stats. Implemented: ORS 458.505 - ORS 458.515

813-205-0120

Eligible Activities, Low-Income Weatherization Program

(1) Under the Low-Income Weatherization Program, an eligible applicant may provide one or more of the following services and/or applications:

(a) General weatherization measures, which include but are not limited to, general heat waste, insulation, heating/cooling system repair, replacement or installation, health and safety improvements, baseload measures, alternative energy applications, and various energy efficient technology.

(b) Repair measures, which are measures deemed necessary for the effective energy savings performance or preservation of energy efficient applications can be utilized.

(2) Eligible activities must demonstrate measurable cost-effective energy conservation. Energy-efficient applications for the Program must show first year savings based on a pre-determined number of kilowatts, therms or other units of power measurements for each conservation dollar invested.

Stat Auth.: ORS 456.515 - 456.725; ORS 458.505 - ORS 458.545

Stats. Implemented: ORS 458.505 - ORS 458.515

813-205-0130

Fund Uses, Low-Income Weatherization Program

(1) Funds are awarded as a grant or a loan, if requested by the applicant (sponsor).

(2) Grants and loans in excess of \$100,000 may be awarded:

(a) On an as needed basis and when maximum power savings can be demonstrated;

(b) If adequate resources are available; and

(c) With State Housing Council approval.

(3) Up to ten percent of the ECHO funds and the Low-Income Weatherization Program award(s) for each project can be used to make general repairs as noted in 813-205-0130(2)(b).

Stat Auth.: ORS 456.515 - 456.725; ORS 458.505 - ORS 458.545

Stats. Implemented: ORS 458.505 - ORS 458.515

813-205-0140

Waiver

The Director may waive or modify any requirements of these Program rules, unless such waiver or modification would violate applicable federal or state statutes or regulations.

printed in error

Stat Auth.: ORS 456.555
Stats. Implemented: ORS 456.555