

5-Year Rule Review Report

Rule number: OAR 438-015-0048 (Attorney Fee for Reclassification)

Date adopted: December 16, 2015

Advisory Committee used? Yes No

If yes, identify members. After completing its review, the agency must provide advisory committee members a copy of its report. ORS 183.405(3).

Advisory Committee Members: Nelson Hall, William Repogle, M. Kathryn Olney, Marybeth Wosko. Presiding Administrative Law Judge Joy Dougherty served as facilitator.

1. Did the rule achieve its intended effect? Yes No

a. What was the intended effect?

OAR 438-015-0048 implements ORS 656.386(3), a statutory amendment which provides for an assessed attorney fee award when the claimant prevails in a dispute regarding claim reclassification. The fee may be awarded by the Administrative Law Judge, Board or court.

b. How did the rule succeed or fail in achieving this effect?

The rule implements the statute allowing for an attorney fee when a claimant prevails in a claim reclassification dispute. In the five years since this rule was adopted, the Board has conducted a comprehensive review of all attorney fees, and there has been no expressed concern with this rule among the stakeholder community.

2. Was the fiscal impact statement underestimated or overestimated or just about right or unknown? (Check one).

a. What was the estimated fiscal impact? The Board Members noted there would be an impact to workers' compensation carriers. However, the impact is a result of the statutory amendments to ORS 656.386, not as a result of the rule.

b. What was the actual fiscal impact? Precise fiscal impact is not determinable at this time, but there is no reason to believe the rule itself had any additional fiscal impact beyond the statutory requirement.

c. If the answer to question 2 is unknown, briefly explain why.

3. Have subsequent changes in the law required the rule be repealed or amended?

____ Yes No If yes, explain.

4. Is the rule still needed? Yes _____ No Explain.

OAR 438-011-0048 is still necessary to implement ORS 656.386(3).

Dated this ____ day of March, 2021.

Workers' Compensation Board

by: Constance L. Wold
Constance L. Wold, Board Chair

Sally Anne Curey
Sally Anne Curey, Board Member

Roger Ousey
Roger Ousey, Board Member

Barbara Woodford
Barbara Woodford, Board Member

5-Year Rule Review Report

Rule number: OAR 438-015-0033 (Hourly Rate for Interview or Deposition)

Date adopted: December 16, 2015

Advisory Committee used? Yes No

If yes, identify members. After completing its review, the agency must provide advisory committee members a copy of its report. ORS 183.405(3).

Advisory Committee Members: Nelson Hall, William Replogle, M. Kathryn Olney, Marybeth Wosko. Presiding Administrative Law Judge Joy Dougherty served as facilitator.

1. Did the rule achieve its intended effect? Yes No

a. What was the intended effect?

OAR 438-015-0033 was promulgated to prescribe a reasonable hourly rate for an attorney's actual time spent during a personal or telephonic interview or deposition conducted under ORS 656.214. The hourly rate was set at \$275 in 2015. In June 2020, after additional public meetings regarding the Board's schedule of attorney fees (including its biennial review under ORS 656.388(4)), plus consultation with the Board of Governors of the Oregon State Bar, the Board amended the rule, increasing the hourly rate to \$350. The amended rule also added an annual adjustment tied to changes in the state average weekly wage. As of July 1, 2020, the hourly rate is \$366.

b. How did the rule succeed or fail in achieving this effect?

OAR 438-015-0033 has provided a reasonable hourly rate for attorneys representing injured workers during recorded statements and depositions. The hourly rate for time spent during the interview or deposition was discussed extensively in Board meetings (including interested parties, practitioners, and the general public) throughout 2019 and 2020. As a result of those deliberations, the Members amended the rule to increase the hourly rate and also to provide an annual adjustment tied to the state average weekly wage. The Board is unaware of any problems associated with the implementation and practice of this rule.

2. Was the fiscal impact statement underestimated or overestimated or just about right or unknown? (Check one).

- a. What was the estimated fiscal impact? The Board Members noted that there would be impact to workers' compensation carriers from the increased hourly rate.
 - b. What was the actual fiscal impact? Precise fiscal impact is not determinable, but there is no reason to believe the fiscal impact has been significant to the workers' compensation carriers.
 - c. If the answer to question 2 is unknown, briefly explain why.
3. Have subsequent changes in the law required the rule be repealed or amended?
 Yes No If yes, explain.

In June 2020, the rule was amended to increase the hourly rate to \$350, with an annual adjustment on July 1 by the same percentage increase as made to the state average weekly wage defined in ORS 656.211, if any. As of July 1, 2020, the hourly rate is \$366 per hour.

4. Is the rule still needed? Yes No Explain.

ORS 656.262 (14) requires that the Board adopt rules for the establishment, assessment and enforcement of an hourly attorney fee rate. OAR 438-011-0055 implements that statutory mandate. The amendment of the rule in 2020 was developed in consideration with an advisory committee and public testimony at Board meetings in 2019 and 2020. The rule is still needed to fulfill the statutory requirements.

Dated this ____ day of March, 2021.

Workers' Compensation Board

by: Constance L. Wold Sally Anne Curey
 Constance L. Wold, Board Chair Sally Anne Curey, Board Member

Roger Ousey Barbara Woodford
 Roger Ousey, Board Member Barbara Woodford, Board Member

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-090-0020

Rule Title: Abandoned Personal Property Homes; Landlord's Acquisition, Rehabilitation, and Sale to New Tenant with Tax Cancellation

Date adopted: December 15, 2016

Date of review: October 4, 2021

This report was prepared and approved by the Department of Revenue.

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

To clarify the process to county tax collectors and landlords for obtaining cancellation of taxes on abandoned homes in manufactured dwelling parks or marinas where the park or marina owners acquire, rehabilitate, and sell the home in the park or marina.

b. How did the rule succeed or fail in achieving this effect?

It is uncertain how much effect the rule has had, or if the underlying statute has been sufficiently clear on its own, but the rule has not been challenged or appealed, and to the extent the department is aware of abandonments through the property tax deferral program, landlords generally have been following the statute and rule without need to have the rule provided to them.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

No fiscal impact was anticipated due to the rule.

b. What was the actual fiscal impact?

No fiscal impact information has been reported or noted by landlords and the rule has not created any fiscal impact upon the department.

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain: The rule continues to provide clarification to landlords with abandoned homes in their park or marina, or to county tax collectors.

5. What impacts does the rule have on small businesses?

No significant impact is anticipated as the rule only clarifies the process that is provided in statute and information requirements follow what is prescribed in statute.

Department of Public Safety Standards and Training

OAR 5-Year Review

(ORS 183.405)

Rule Numbers: **OAR 259-020-0100, 259-020-0120, 259-020-0130, 259-020-0140, 259-020-150, 259-020-0160, 259-020-0170, 259-020-0180, 259-020-0190, 259-020-0200, 259-020-0210, 259-020-0220**

Adoption Date: **10/20/2017**

Original Advisory Committees Involved:

- Polygraph Licensing Advisory Committee
- Director, Department of Public Safety Standards and Training
- Board on Public Safety Standards & Training

Rule Reviewed by:

- Director, Department of Public Safety Standards and Training (November 2021)
 - Board on Public Safety Standards & Training (January 2022)
-

1. Did the rule achieve its intended effect? **Yes**

a. What was the intended effect?

These rules were adopted to facilitate two types of rule amendments. First, the program needed to amend several rule requirements and practices that exceeded the program's statutory authority. Second, DPSST recommended reorganizing the content of the rules for clarification and housekeeping.

b. How did the rule succeed or fail in achieving this effect?

These changes brought the program into compliance with Oregon laws and ensured the scope of the program is relevant, purposeful, and in line with the intent of occupational regulation.

2. Was the fiscal impact underestimated, overestimated, just about right, or unknown? ***Just about right***

a. What was the estimated fiscal impact?

DPSST estimated a minimal or neutral impact for the administration of the polygraph licensing program.

There were no changes to the required fees for licensure application, renewal, examination for licensure, or duplicate license fees. There were no changes to the minimum requirements for licensure as a polygraph examiner or as a polygraph examiner trainee.

There were potential fiscal impacts identified for the changes to the trainee internship requirements, restrictions on the length of time a person can hold a trainee license, and the changes to licensure for failure to pass the DPSST examination for licensure after 3 attempts.

b. What was the actual fiscal impact?

DPSST does not have any data, collected or reported, that identifies an actual fiscal impact.

c. If the answer to question 2 is unknown, briefly explain why. ***n/a***

3. Have subsequent changes in the law required the rule to be repealed or amended? ***No***

If yes, explain. ***n/a***

4. Is the rule still needed? ***Yes***

Explain.

These rules accompany the enabling statutes for the regulation of polygraph examiner licensure. The rules remain essential to the administration of the licensing program by defining the minimum requirements for licensure, defining the internship requirements, and providing the standards and process for denial or revocation of a polygraph examiner's license.

Department of Public Safety Standards and Training

OAR 5-Year Review

(ORS 183.405)

Rule Number: **OAR 259-060-0136**

Adoption Date: **11/01/2017**

Original Advisory Committees Involved:

- Private Security and Investigator Policy Committee (August 2017)
- Board on Public Safety Standards & Training (October 2017)

Rule Reviewed by:

- Private Security and Investigator Policy Committee (November 2021)
 - Board on Public Safety Standards & Training (January 2022)
-

1. Did the rule achieve its intended effect? **Yes**

a. What was the intended effect?

First, adoption of this rule transferred instructor responsibilities for maintaining training records and course remediation or failure to a unique rule. Second, this rule was adopted to address standards that instructors should adhere to during the delivery of course instruction and a variety of issues that had been identified during audits and the review of complaints.

b. How did the rule succeed or fail in achieving this effect?

OAR 259-060-0136 established specific requirements within the administrative rule that may be considered for denial or revocation or civil penalty when violated.

2. Was the fiscal impact underestimated, overestimated, just about right or unknown? **Unknown**

- a. What was the estimated fiscal impact?

The proposed rule change estimated a minimal fiscal impact for private security instructors. With the exception of the requirement for private security instructors to offer a contract when providing training for a fee, the other standards in the rule focused on existing instructor requirements, common expectations, and requirements that were expressed as a part of the curriculum and materials provided by the Department but not previously referenced in rule.

- b. What was the actual fiscal impact?

Unknown.

- c. If the answer to question 2 is unknown, briefly explain why.

The proposed rule change estimated a minimal fiscal impact. DPSST does not have any data, collected or reported, that identifies an actual fiscal impact.

3. Have subsequent changes in the law required the rule to be repealed or amended? ***No***

If yes, explain. ***n/a***

4. Is the rule still needed? ***Yes***

Explain.

This rule identifies private security instructor responsibilities and prohibited acts. Identifying these by rule defines clear requirements for instructors and allows DPSST to take compliance actions when there is a violation of the rule.

Department of Public Safety Standards and Training

OAR 5-Year Review

(ORS 183.405)

Rule Number: **OAR 259-060-0200**

Adoption Date: **03/22/2017**

Original Advisory Committees Involved:

- Private Security and Investigator Policy Committee (May 2016 and November 2016)
- Board on Public Safety Standards & Training (July 2016 and January 2017)

Rule Reviewed by:

- Private Security and Investigator Policy Committee (November 2021)
 - Board on Public Safety Standards & Training (January 2022)
-

1. Did the rule achieve its intended effect? **Yes**

a. What was the intended effect?

OAR 259-060-0200 was adopted to identify the prohibited act of using an unlawful business name as defined in HB 4142. This rule, in conjunction with amendments to OAR 259-060-0015, 259-060-0 0130, 259-060-0450 and 259-060-0600, supported the Department's compliance with HB 4142 and clarification of executive manager responsibilities.

b. How did the rule succeed or fail in achieving this effect?

The adopted rule requires a business or entity to designate an executive manager. Supporting rule amendments clarified requirements for executive managers to submit a Form PS-24 when beginning employment or a contract, ending employment or a contract, and when the ownership of the business changes. The form includes information about the employer including business name, address, and owner name.

This requirement helps DPSST monitor existing and new business names.

2. Was the fiscal impact underestimated, overestimated, just about right or unknown? *Just about right*

a. What was the estimated fiscal impact?

There were no fiscal impacts identified in the proposed rule filing. In part this was attributed to the grandfather language within the bill that allows a business operating on the operative date of the law to continue operating under the same name as long as the business continues to operate under the same owner.

b. What was the actual fiscal impact?

There were no fiscal impacts measured. All new businesses have been in compliance with the law and rule. When an issue or complaint is identified, compliance is gained through outreach and education. There have not been any civil penalties issued for a violation of this law or the adopted rule.

c. If the answer to question 2 is unknown, briefly explain why. *n/a*

3. Have subsequent changes in the law required the rule to be repealed or amended? *No*

If yes, explain. *n/a*

4. Is the rule still needed? *Yes*

Explain.

The law became effective on March 14, 2016. This rule and the clarifying changes to executive manager reporting requirements for the Form PS-24 help DPSST staff monitor and enforce compliance with the law and rule.

**Oregon Department of Human Services
Five Year Rule Review
ORS 183.405**

Rule Name: Payment to Agency Providers

Rule Number(s): 411-323-0065

Program Area: Office of Developmental Disabilities Services (ODDS)

Adoption Date: 6/29/2016



Review Due Date:
6/29/2021



Review Date:
6/7/2021

Reviewer's Name:
Christina Hartman



- *Advisory Committee Used**
 Advisory Committee Not Used

***Committee Members:**

Contact Information:

Tracy Anderson	TRACY.A.ANDERSON@dhsoha.state.or.us
Shaeli Armstrong	Shaeli.L.ARMSTRONG@dhsoha.state.or.us
Bruce Baker	BRUCE.M.BAKER@dhsoha.state.or.us
Kirsten Brown	Kirsten.E.BROWN@dhsoha.state.or.us
Chris Burnett	cburnett@oregonrehabilitation.org
Dina Crown	DINA.L.CROWN@dhsoha.state.or.us
Roberta Dunn	roberta@factoregon.org
Allison Enriquez	ALLISON.ENRIQUEZ@dhsoha.state.or.us
Flory Erickson	ferickson@pclpartnership.org
Susan Gustavson	susan@cas-dd.org
Christina Hartman	Christina.HARTMAN@dhsoha.state.or.us
Brad Heath	Brad.J.HEATH@dhsoha.state.or.us
Dana Hittle	Dana.HITTLE@dhsoha.state.or.us
Carrie Howell	chowell@dungarvin.com
Suzanne Huffman	SUZANNE.L.HUFFMAN@dhsoha.state.or.us
Bob Joondeph	BOB@droregon.org
Chelas Kronenberg	CHELAS.A.KRONENBERG@dhsoha.state.or.us
May Martin	May.MARTIN@dhsoha.state.or.us
Kyndall Mason	masonk@seiu503.org
Acacia McGuire Anderson	ACACIA.MCGUIREANDERSON@dhsoha.state.or.us
Joan Medlen	JOAN.E.MEDLEN@dhsoha.state.or.us

Beth McHugh	elizabeth.e.mchugh@multco.us
Josh Navarrete	joshnavarrete@ccswv.org
Sarah Noack	sarahnoack@upconnections.org
Laura Noppenberger	lnopp@eossb.org
Darlene O'Keeffe	DARLENE.B.OKEEFFE@dhsaha.state.or.us
Sarah Jane Owens	sjowens@aocmhp.org
Mike Parr	Mike.R.PARR@dhsaha.state.or.us
Shelly Reed	SHELLY.M.REED@dhsaha.state.or.us
Tricia Rosenkranz	trosenkranz@communitypath.org
Ross Ryan	Ross.s.ryan5@gmail.com
Joli Schroader	JOLI.R.SCHROADER@dhsaha.state.or.us
Sydney Shook	sydney@northstarpathways.org
Barbara Southard	BARBARA.L.SOUTHARD@dhsaha.state.or.us
Leslie Sutton	leslie.sutton@ocdd.org
Danielle Vander Linden	dvanderlinden@oregonrehabilitation.org
Melissa Walker	walkermr@jacksoncounty.org
Claire Weiss	CWeiss@co.clackamas.or.us
Bernie Wilson	berniew@albertinakerr.org

What was the intended effect of this rule adoption?	
<p>ODDS adopted OAR 411-323-0065 about Payment to Agency Providers to include current Medicaid and ODDS standards for reimbursement for the delivery of developmental disabilities services.</p>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Has this rule adoption had its intended effect?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule underestimated?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule overestimated?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Have subsequent changes in the law required this rule to be amended or repealed?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Is there a continued need for this rule?

	<p>What impact has the rule had on small businesses?</p> <p>The rule impacts agency providers that contract to provide Medicaid developmental disabilities services in Oregon, some of which may be considered a small business as defined in ORS 183.310.</p> <p>Agency providers certified under OAR chapter 411, division 340 or certified under OAR chapter 411, division 323 and endorsed under a corresponding program rule, were required to have a new endorsement under OAR chapter 411, division 450 (Community Living Supports) upon expiration of their current agency certification.</p> <p>Agency providers that did not currently have the requirement for their staff to have 12 hours of job related in-service training annually, and did not have existing policies and procedures that address the expectations set forth in OAR chapter 411, division 450 for operating a Community Living Supports Program likely experienced costs associated to meeting those requirements.</p>
<p>Additional Comments:</p>	

Report approved by: Mike Parr 6/11/2021

Date report sent to advisory committee members: 6/11/2021

Oregon Department of Human Services
Five Year Rule Review
 ORS 183.405

Rule Name: Provider Owned, Controlled, or Operated Residential Settings

Rule Number(s): 411-328-0625

Program Area: Office of Developmental Disabilities Services (ODDS)

Adoption Date: 6/29/2016



Review Due Date:
6/29/2021



Review Date:
6/7/2021
UPDATED

Reviewer's Name:
Christina Hartman



- *Advisory Committee Used**
 Advisory Committee Not Used

***Committee Members:**

Contact Information:

Tracy Anderson	TRACY.A.ANDERSON@dhsoha.state.or.us
Shaeli Armstrong	Shaeli.L.ARMSTRONG@dhsoha.state.or.us
Adam Ayers	aayers@resourceconnections.org
Bruce Baker	BRUCE.M.BAKER@dhsoha.state.or.us
Jeanette Baxter	Jeanette.S.BAXTER@dhsoha.state.or.us
Marilee Bell	Marilee.BELL@dhsoha.state.or.us
Kirsten Brown	Kirsten.E.BROWN@dhsoha.state.or.us
Chris Burnett	cburnett@oregonrehabilitation.org
Nicholas Burton	nicholas.burton@co.lane.or.us
Jess Cline	JESS.M.CLINE@dhsoha.state.or.us
Coury Coates	coury.coates@multco.us
Kirsten Collins	KIRSTEN.G.COLLINS@dhsoha.state.or.us
Kim Cota	KCota@co.clackamas.or.us
Dina Crown	DINA.L.CROWN@dhsoha.state.or.us
Roberta Dunn	roberta@factoregon.org
Allison Enriquez	ALLISON.ENRIQUEZ@dhsoha.state.or.us
Chrissy Fuchs	CHRISSY.FUCHS@dhsoha.state.or.us
Flory Goodell	fgoodell@pclpartnership.org
Susan Gustavson	susan@cas-dd.org
Michael Harmon	MICHAEL.A.HARMON@dhsoha.state.or.us

Christina Hartman	Christina.HARTMAN@dhsoha.state.or.us
Brad Heath	Brad.J.HEATH@dhsoha.state.or.us
Rose Herrera	Rose.K.HERRERA@dhsoha.state.or.us
Dana Hittle	Dana.HITTLE@dhsoha.state.or.us
Carrie Howell	chowell@dungarvin.com
Suzanne Huffman	SUZANNE.L.HUFFMAN@dhsoha.state.or.us
Bob Joondeph	BOB@droregon.org
Debbi Kraus-Dorn	Debbi.KRAUS-DORN@dhsoha.state.or.us
Chelas Kronenberg	CHELAS.A.KRONENBERG@dhsoha.state.or.us
Sandy Leifeste	SLeifeste@fullaccess.org
Jessie Martin	Jessie.M.MARTIN@dhsoha.state.or.us
May Martin	May.MARTIN@dhsoha.state.or.us
Kyndall Mason	masonk@seiu503.org
Acacia McGuire Anderson	ACACIA.MCGUIREANDERSON@dhsoha.state.or.us
Josh Navarrete	joshnavarrete@ccswv.org
Laura Noppenberger	lnopp@eossb.org
Darlene O'Keefe	DARLENE.B.OKEEFFE@dhsoha.state.or.us
Sarah Jane Owens	sjowens@aocmhp.org
Mike Parr	Mike.R.PARR@dhsoha.state.or.us
Ken Ralph	Ken.J.RALPH@dhsoha.state.or.us
Shelly Reed	SHELLY.M.REED@dhsoha.state.or.us
Ross Ryan	Ross.s.ryan5@gmail.com
Joli Schroader	JOLI.R.SCHROADER@dhsoha.state.or.us
Barbara Southard	BARBARA.L.SOUTHARD@dhsoha.state.or.us
Leslie Sutton	leslie.sutton@ocdd.org
Danielle Vander Linden	dvanderlinden@oregonrehabilitation.org
Julie Van Nette	JULIE.L.VANNETTE@dhsoha.state.or.us
Bernie Wilson	berniew@albertinakerr.org

What was the intended effect of this rule adoption?	
ODDS adopted OAR 411-328-0625 about Provider Owned, Controlled, or Operated Residential Settings to incorporate the adoption of the rules for home and community-based services and settings and person-centered service planning in OAR chapter 411, division 004.	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Has this rule adoption had its intended effect?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule underestimated?

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule overestimated?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Have subsequent changes in the law required this rule to be/can be amended or repealed? Last Amended 12/1/2017
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Is there a continued need for this rule?
	What impact has the rule had on small businesses? Agencies provide services in supported living programs, some of which may be considered small businesses as defined in ORS 183.310. Some predicted areas of fiscal and economic impact to these small businesses included: <ul style="list-style-type: none"> • The cost for adding locks to doors for individual privacy. • Some agencies may have needed to hire additional staff to meet the new regulations. If this occurred, a percentage of agencies were eligible to seek exceptional payments to offset the costs. • An increase in administrative costs was anticipated in order to engage in new planning discussions and documentation processes around person-centered service planning and limits to freedoms and rights of individuals receiving services.

Additional Comments:

Report approved by: Rose Herrera

6/8/2021

Date report sent to advisory committee members:

6/4/2021

UPDATED 6/8/2021

Oregon Department of Human Services
Five Year Rule Review
 ORS 183.405

Rule Name: Independent Providers Delivering Developmental Disabilities Services

Rule Number(s): 411-375-0035, 411-375-0055

Program Area: Office of Developmental Disabilities Services (ODDS)

Adoption Date: 6/29/2016



Review Due Date:
6/29/2021



Review Date:
6/7/2021

Reviewer's Name:
Christina Hartman



- *Advisory Committee Used**
 Advisory Committee Not Used

***Committee Members:**

Contact Information:

Tracy Anderson	TRACY.A.ANDERSON@dhsoha.state.or.us
Shaeli Armstrong	Shaeli.L.ARMSTRONG@dhsoha.state.or.us
Bruce Baker	BRUCE.M.BAKER@dhsoha.state.or.us
Kirsten Brown	Kirsten.E.BROWN@dhsoha.state.or.us
Chris Burnett	cburnett@oregonrehabilitation.org
Jess Cline	JESS.M.CLINE@dhsoha.state.or.us
Anne Crites	anne.crites@thementornetwork.com
Dina Crown	DINA.L.CROWN@dhsoha.state.or.us
Maggie Deeks	maggied@upconnections.org
Roberta Dunn	roberta@factoregon.org
Flory Ericksen	fericksen@pclpartnership.org
Chrissy Fuchs	CHRISSY.FUCHS@dhsoha.state.or.us
Susan Gustavson	susan@cas-dd.org
Christina Hartman	Christina.HARTMAN@dhsoha.state.or.us
Brad Heath	Brad.J.HEATH@dhsoha.state.or.us
Dana Hittle	Dana.HITTLE@dhsoha.state.or.us
Carrie Howell	chowell@dungarvin.com
Suzanne Huffman	SUZANNE.L.HUFFMAN@dhsoha.state.or.us
Bob Joondeph	BOB@droregon.org
Chelas Kronenberg	CHELAS.A.KRONENBERG@dhsoha.state.or.us
May Martin	May.MARTIN@dhsoha.state.or.us

Kyndall Mason	masonk@seiu503.org
Beth McHugh	elizabeth.e.mchugh@multco.us
Joan Medlen	JOAN.E.MEDLEN@dhsoba.state.or.us
Josh Navarrete	joshnavarrete@ccswv.org
Darlene O'Keeffe	DARLENE.B.OKEEFFE@dhsoba.state.or.us
Mike Parr	Mike.R.PARR@dhsoba.state.or.us
Shelly Reed	SHELLY.M.REED@dhsoba.state.or.us
Ross Ryan	Ross.s.ryan5@gmail.com
Joli Schroader	JOLI.R.SCHROADER@dhsoba.state.or.us
Mia Shapiro	mshapiro@fullaccesshd.org
Jeff Sneddon	jsneddon@co.linn.or.us
Leslie Sutton	leslie.sutton@ocdd.org
Danielle Vander Linden	dvanderlinden@oregonrehabilitation.org
Dana Van Haverbeke	dvanhaverbeke@co.marion.or.us
Melissa Walker	walkermr@jacksoncounty.org
Bernie Wilson	berniew@albertinakerr.org

What was the intended effect of this rule adoption?	
<p>ORAR 411-375-0035 was adopted to include documentation and reporting requirements for service agreements, progress notes, and incident reporting.</p> <p>ORAR 411-375-0055 was adopted to include the standards for common law employers for personal support workers and procedures for intervention and removal of common law employers.</p>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Has this rule adoption had its intended effect?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule underestimated?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule overestimated?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Have subsequent changes in the law required this rule to be/can be amended or repealed? ORAR 411-375-0035 Last Amended 11/1/2019 ORAR 411-375-0055 Last Amended 11/1/2019
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Is there a continued need for this rule?

What impact has the rule had on small businesses?

The rules apply to Community Developmental Disabilities Programs (CDDPs), Support Service Brokerages, and Personal Support Workers, none of which may be considered small businesses as defined in ORS 183.310.

The rules apply to independent providers who are not personal support workers. Some of those providers may be considered small businesses as defined in ORS 183.310. The rules did not have a fiscal or economic impact on independent providers.

Additional Comments:

Report approved by: Mike Parr

6/11/2021

Date report sent to advisory committee members:

6/11/2021

Oregon Department of Human Services
Five Year Rule Review
 ORS 183.405

Rule Name: Direct Nursing Services for Adults with Intellectual or Developmental Disabilities

Rule Number(s): 411-380-0010, 411-380-0020, 411-380-0030, 411-380-0040, 411-380-0050, 411-380-0060, 411-380-0070, 411-380-0080, 411-380-0090

Program Area: Office of Developmental Disabilities Services (ODDS)

Adoption Date: 6/29/2016



Review Due Date:
6/29/2021



Review Date:
6/7/2021

Reviewer's Name:
Christina Hartman



- *Advisory Committee Used**
 Advisory Committee Not Used
-

***Committee Members:**

Contact Information:

Bruce Baker	BRUCE.M.BAKER@dhsoha.state.or.us
Kirsten Brown	Kirsten.E.BROWN@dhsoha.state.or.us
Chris Burnett	cburnett@oregonrehabilitation.org
Becky Callicrate	Becky.CALLICRATE@dhsoha.state.or.us
Kirsten Collins	KIRSTEN.G.COLLINS@dhsoha.state.or.us
Katie Coombes	coombesk@seiu503.org
Dina Crown	DINA.L.CROWN@dhsoha.state.or.us
Suzi Drebes	Suzi.DREBES@dhsoha.state.or.us
Roberta Dunn	roberta@factoregon.org
Allison Enriquez	ALLISON.ENRIQUEZ@dhsoha.state.or.us
Flory Erickson	ferickson@pclpartnership.org
Gloria Gary	gloria.t.gary@multco.us
Jane Glancy	jane_glancy@co.washington.or.us
Susan Gustavson	susan@cas-dd.org
Michael Harmon	MICHAEL.A.HARMON@dhsoha.state.or.us
Christina Hartman	Christina.HARTMAN@dhsoha.state.or.us
Brad Heath	Brad.J.HEATH@dhsoha.state.or.us
Kari Hillebrecht	karihillebrecht@yahoo.com
Mike Hillebrecht	mrhillebrecht@gmail.com
Wryliegh Dale-Rae Hillebrecht	wrylieghhillebrecht@yahoo.com
Dana Hittle	Dana.HITTLE@dhsoha.state.or.us
Ray Hobizal	ray.hobizal@ah.org

Dorris Hollums	DORRIS.A.HOLLUMS@dhsoha.state.or.us
Carrie Howell	chowell@dungarvin.com
Suzanne Huffman	SUZANNE.L.HUFFMAN@dhsoha.state.or.us
Bob Joondeph	BOB@droregon.org
Chelas Kronenberg	CHELAS.A.KRONENBERG@dhsoha.state.or.us
Linda Lund	linda.k.lund@multco.us
Gordon Magella	gmagella@droregon.org
Jessie Martin	Jessie.M.MARTIN@dhsoha.state.or.us
Stefany Newman	stefany.m.newman@multco.us
Sarah Jane Owens	sjowens@aocmhp.org
Mike Parr	Mike.R.PARR@dhsoha.state.or.us
Ken Ralph	Ken.Ralph@dhsoha.state.or.us
Katie Porter	Katie_porter@co.washington.or.us
Shelly Reed	SHELLY.M.REED@dhsoha.state.or.us
David Richmond	davidr@ccmh1.com
Katie Rose	Katierose@oregonsupportservices.org
Patti Sadowski	pattis@nursingale.org
Dawn Alisa Sadler	dasadler@co.marion.or.us
Joli Schroader	JOLI.R.SCHROADER@dhsoha.state.or.us
Mia Shapiro	mshapiro@fullaccesshd.org
Jill Sorensen	jsorensen@goisn.org
Leslie Sutton	leslie.sutton@ocdd.org
Danielle Vander Linden	dvanderlinden@oregonrehabilitation.org
Melissa Walker	walkermr@jacksoncounty.org
Claire Weiss	CWeiss@co.clackamas.or.us
Jennifer Wetteland	jennifer.wetteland@thementornetwork.com
Bernie Wilson	berniew@albertinakerr.org
Carol Wright	Carol_Wright@co.washington.or.us

What was the intended effect of this rule adoption?

ODDS adopted rules in OAR chapter 411, division 380 to make permanent temporary rules that became effective on January 1, 2016 that established standards and procedures for the provision of direct nursing services. Direct nursing services support individuals 21 years of age or older with intellectual or developmental disabilities and complex, long-term, medical conditions that require shift staff nursing level of supports.

The rules in OAR chapter 411, division 380 define direct nursing services, specify eligibility and limitations for direct nursing services, and specify nursing service requirements for case management entities and ODDS. The rules also establish and detail provider requirements including qualifications, enrollment, billing and payment, and documentation and recordkeeping requirements.

- Yes
- No

Has this rule adoption had its intended effect?

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule underestimated?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule overestimated?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Have subsequent changes in the law required this rule to be/can be amended or repealed? 411-380-0010 (no changes) 411-380-0020 Last Amended 6/1/2021 411-380-0030 Last Amended 6/1/2021 411-380-0040 Last Amended 6/1/2021 411-380-0050 Last Amended 6/1/2021 411-380-0060 Last Amended 6/1/2021 411-380-0070 Last Amended 6/1/2021 411-380-0080 Last Amended 6/1/2021 411-380-0090 Last Amended 6/1/2021
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Is there a continued need for this rule?
	What impact has the rule had on small businesses? Providers of direct nursing services are Registered Nurses (RNs) or Licensed Practical Nurses (LPNs) who complete the Medicaid provider enrollment requirements. The nurses may be either self-employed independently contracted RNs or LPNs or licensed home health or in-home agencies. Some agencies may be considered small businesses as defined in ORS 183.310. Costs related to this rule implementation to providers may have included developing and maintaining invoices, timesheets, record keeping, policies for rule, and payment compliance. Most providers may have already had these requirements in place as part of current business practice. Positive fiscal impact may include access to more business for providers of all types.
Additional Comments:	

Report approved by: Ken Ralph

6/10/2021

Date report sent to advisory committee members:

6/10/2021

Oregon Department of Human Services
Five Year Rule Review
 ORS 183.405

Rule Name: Case Management Services

Rule Number(s): 411-415-0010, 411-415-0020, 411-415-0030, 411-415-0040, 411-415-0050, 411-415-0060, 411-415-0070, 411-415-0080, 411-415-0090, 411-415-0100, 411-415-0110, 411-415-0120

Program Area: Office of Developmental Disabilities Services (ODDS)

Adoption Date: 6/29/2016



Review Due Date:
6/29/2021



Review Date:
6/14/2021

Reviewer's Name:
Christina Hartman



- *Advisory Committee Used**
 Advisory Committee Not Used

***Committee Members:**

Contact Information:

Tracy Anderson	TRACY.A.ANDERSON@dhsoha.state.or.us
Shaeli Armstrong	Shaeli.L.ARMSTRONG@dhsoha.state.or.us
Adam Ayers	aayers@resourceconnections.org
Bruce Baker	BRUCE.M.BAKER@dhsoha.state.or.us
Jeanette Baxter	Jeanette.S.BAXTER@dhsoha.state.or.us
Marilee Bell	Marilee.BELL@dhsoha.state.or.us
Kirsten Brown	Kirsten.E.BROWN@dhsoha.state.or.us
Carrie Buck	cbuck@co.klamath.or.us
Chris Burnett	cburnett@oregonrehabilitation.org
Jess Cline	JESS.M.CLINE@dhsoha.state.or.us
Kirsten Collins	KIRSTEN.G.COLLINS@dhsoha.state.or.us
Kim Cota	KCota@co.clackamas.or.us
Dina Crown	DINA.L.CROWN@dhsoha.state.or.us
Deborah Danner	deborah.s.danner@multco.us
Roberta Dunn	roberta@factoregon.org
Allison Enriquez	ALLISON.ENRIQUEZ@dhsoha.state.or.us
Flory Ericksen	fericksen@pclpartnership.org
Chrissy Fuchs	CHRISSY.FUCHS@dhsoha.state.or.us
Susan Gustavson	susan@cas-dd.org
Michael Harmon	MICHAEL.A.HARMON@dhsoha.state.or.us
Christina Hartman	Christina.HARTMAN@dhsoha.state.or.us
Brad Heath	Brad.J.HEATH@dhsoha.state.or.us

Rose Herrera	Rose.K.HERRERA@dhsoha.state.or.us
Dana Hittle	Dana.HITTLE@dhsoha.state.or.us
Carrie Howell	chowell@dungarvin.com
Suzanne Huffman	SUZANNE.L.HUFFMAN@dhsoha.state.or.us
Bob Joondeph	BOB@droregon.org
Debbi Kraus-Dorn	Debbi.KRAUS-DORN@dhsoha.state.or.us
Chelas Kronenberg	CHELAS.A.KRONENBERG@dhsoha.state.or.us
Sandy Leifeste	SLeifeste@fullaccess.org
Jessie Martin	Jessie.M.MARTIN@dhsoha.state.or.us
May Martin	May.MARTIN@dhsoha.state.or.us
Acacia McGuire Anderson	ACACIA.MCGUIREANDERSON@dhsoha.state.or.us
Josh Navarrete	joshnavarrete@ccswv.org
Darlene O'Keeffe	DARLENE.B.OKEEFFE@dhsoha.state.or.us
Sarah Jane Owens	sjowens@aocmhp.org
Mike Parr	Mike.R.PARR@dhsoha.state.or.us
Dan Peccia	dan@sdri-pdx.org
Ken Ralph	Ken.Ralph@dhsoha.state.or.us
Shelly Reed	SHELLY.M.REED@dhsoha.state.or.us
Katie Rose	Katierose@oregonsupportservices.org
Ross Ryan	Ross.s.ryan5@gmail.com
Joli Schroader	JOLI.R.SCHROADER@dhsoha.state.or.us
Jeff Sneddon	jsneddon@co.linn.or.us
Barbara Southard	BARBARA.L.SOUTHARD@dhsoha.state.or.us
Leslie Sutton	leslie.sutton@ocdd.org
Danielle Vander Linden	dvanderlinden@oregonrehabilitation.org
Julie Van Nette	JULIE.L.VANNETTE@dhsoha.state.or.us
Claire Weiss	CWeiss@co.clackamas.or.us
Bernie Wilson	berniew@albertinakerr.org
Shiela Zerngast	shielaz@tfcc.org

What was the intended effect of this rule adoption?

ODDS adopted rules in OAR chapter 411, division 415 to streamline the qualifications and related requirements for providers of case management services related to assessments, Individual Support Plans (ISP), and service monitoring.

The rules in OAR chapter 411, division 415 were drawn primarily from the case management and related functions contained in OAR chapter 411, division 320 for Community Developmental Disabilities Programs (CDDPs) and OAR chapter 411, division 340 for Support Services Brokerages and are intended to describe case management services delivered by a CDDP, Brokerage, or ODDS through the Children's Intensive In-Home Services Program (CIIS) or the children's residential program.

- Yes
- No

Has this rule adoption had its intended effect?

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule underestimated?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule overestimated?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Have subsequent changes in the law required this rule to be amended or repealed? 411-415-0010 No Changes 411-415-0020 Last Amended 12/28/2018 411-415-0030 Last Amended 12/28/2018 411-415-0040 Last Amended 12/28/2018 411-415-0050 Last Amended 03/01/2020 411-415-0060 Last Amended 12/28/2018 411-415-0070 Last Amended 11/01/2019 411-415-0080 Last Amended 03/01/2020 411-415-0090 Last Amended 11/01/2019 411-415-0100 Last Amended 11/01/2019 411-415-0110 Last Amended 11/01/2019 411-415-0120 Last Amended 12/28/2018
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Is there a continued need for this rule?
	What impact has the rule had on small businesses? The rules apply to case management entities, none of which may be considered a small business as defined in ORS 183.310.
Additional Comments:	

Report approved by: Mike Parr

6/17/2021

Date report sent to advisory committee members:

6/17/2021

Oregon Department of Human Services
Five Year Rule Review
 ORS 183.405

Rule Name: Ancillary Services

Rule Number(s): 411-435-0010, 411-435-0020, 411-435-0030, 411-435-0040, 411-435-0050, 411-435-0060, 411-435-0070, 411-435-0080

Program Area: Office of Developmental Disabilities Services (ODDS)

Adoption Date: 6/29/2016



Review Due Date:
6/29/2021



Review Date:
6/15/2021

Reviewer's Name:
Christina Hartman



- *Advisory Committee Used**
 Advisory Committee Not Used

***Committee Members:**

Contact Information:

Tracy Anderson	TRACY.A.ANDERSON@dhsoha.state.or.us
Shaeli Armstrong	Shaeli.L.ARMSTRONG@dhsoha.state.or.us
Bruce Baker	BRUCE.M.BAKER@dhsoha.state.or.us
Kirsten Brown	Kirsten.E.BROWN@dhsoha.state.or.us
Chris Burnett	cburnett@oregonrehabilitation.org
Dina Crown	DINA.L.CROWN@dhsoha.state.or.us
Roberta Dunn	roberta@factoregon.org
Allison Enriquez	ALLISON.ENRIQUEZ@dhsoha.state.or.us
Flory Ericksen	fericksen@pclpartnership.org
Susan Gustavson	susan@cas-dd.org
Christina Hartman	Christina.HARTMAN@dhsoha.state.or.us
Brad Heath	Brad.J.HEATH@dhsoha.state.or.us
Dana Hittle	Dana.HITTLE@dhsoha.state.or.us
Carrie Howell	chowell@dungarvin.com
Suzanne Huffman	SUZANNE.L.HUFFMAN@dhsoha.state.or.us
Bob Joondeph	BOB@droregon.org
Chelas Kronenberg	CHELAS.A.KRONENBERG@dhsoha.state.or.us
May Martin	May.MARTIN@dhsoha.state.or.us
Kyndall Mason	masonk@seiu503.org
Acacia McGuire Anderson	ACACIA.MCGUIREANDERSON@dhsoha.state.or.us
Beth McHugh	elizabeth.e.mchugh@multco.us
Joan Medlen	JOAN.E.MEDLEN@dhsoha.state.or.us
Josh Navarrete	joshnavarrete@ccswv.org

Sarah Noack	sarahnoack@upconnections.org
Laura Noppenberger	lnopp@eossb.org
Darlene O'Keeffe	DARLENE.B.OKEEFFE@dhsoha.state.or.us
Mike Parr	Mike.R.PARR@dhsoha.state.or.us
Shelly Reed	SHELLY.M.REED@dhsoha.state.or.us
Tricia Rosenkraz	trosenkranz@communitypath.org
Ross Ryan	Ross.s.ryan5@gmail.com
Joli Schroader	JOLI.R.SCHROADER@dhsoha.state.or.us
Sydney Shook	sydney@northstarpathways.org
Barbara Southard	BARBARA.L.SOUTHARD@dhsoha.state.or.us
Leslie Sutton	leslie.sutton@ocdd.org
Danielle Vander Linden	dvanderlinden@oregonrehabilitation.org
Melissa Walker	walkermr@jacksoncounty.org
Claire Weiss	CWeiss@co.clackamas.or.us
Bernie Wilson	berniew@albertinakerr.org

What was the intended effect of this rule adoption?
ODDS adopted rules for ancillary services in OAR chapter 411, division 435 to include eligibility requirements, service descriptions, service limits, and provider qualifications for certain services available under the 1915(k) and 1915(c) funding authorities. These rules were drawn from portions of existing, almost identical, rules in OAR chapter 411 divisions 300, 308, 330, 340, 350, and 355. The relevant portions of those rules were repealed and put into this new division. Adopting OAR chapter 411, division 435 assured that variations in the present rules were eliminated.

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Has this rule adoption had its intended effect?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule underestimated?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule overestimated?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Have subsequent changes in the law required this rule to be amended or repealed? 411-435-0010 No Changes 411-435-0020 Last Amended 11/01/2019 411-435-0030 Last Amended 12/28/2018 411-435-0040 Last Amended 12/28/2018 411-435-0050 Last Amended 11/01/2019 411-435-0060 Last Amended 12/28/2018 411-435-0070 Last Amended 11/01/2019 411-435-0080 Last Amended 11/01/2019

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Is there a continued need for this rule?
	What impact has the rule had on small businesses? No small businesses were impacted by the rules.
Additional Comments:	

Report approved by: Mike Parr

6/17/2021

Date report sent to advisory committee members:

6/17/2021

Oregon Department of Human Services
Five Year Rule Review
 ORS 183.405

Rule Name: Community Living Supports

Rule Number(s): 411-450-0010, 411-450-0020, 411-450-0030, 411-450-0040, 411-450-0050, 411-450-0060, 411-450-0070, 411-450-0080, 411-450-0100

Program Area: Office of Developmental Disabilities Services (ODDS)

Adoption Date: 6/29/2016



Review Due Date:
6/29/2021



Review Date:
6/15/2021

Reviewer's Name:
Christina Hartman



***Advisory Committee Used**

Advisory Committee Not Used

***Committee Members:**

Contact Information:

Tracy Anderson	TRACY.A.ANDERSON@dhsoha.state.or.us
Shaeli Armstrong	Shaeli.L.ARMSTRONG@dhsoha.state.or.us
Bruce Baker	BRUCE.M.BAKER@dhsoha.state.or.us
Kirsten Brown	Kirsten.E.BROWN@dhsoha.state.or.us
Chris Burnett	cburnett@oregonrehabilitation.org
Dina Crown	DINA.L.CROWN@dhsoha.state.or.us
Roberta Dunn	roberta@factoregon.org
Allison Enriquez	ALLISON.ENRIQUEZ@dhsoha.state.or.us
Flory Ericksen	fericksen@pclpartnership.org
Susan Gustavson	susan@cas-dd.org
Christina Hartman	Christina.HARTMAN@dhsoha.state.or.us
Brad Heath	Brad.J.HEATH@dhsoha.state.or.us
Dana Hittle	Dana.HITTLE@dhsoha.state.or.us
Carrie Howell	chowell@dungarvin.com
Suzanne Huffman	SUZANNE.L.HUFFMAN@dhsoha.state.or.us
Bob Joondeph	BOB@droregon.org
Chelas Kronenberg	CHELAS.A.KRONENBERG@dhsoha.state.or.us
May Martin	May.MARTIN@dhsoha.state.or.us
Kyndall Mason	masonk@seiu503.org
Acacia McGuire Anderson	ACACIA.MCGUIREANDERSON@dhsoha.state.or.us
Beth McHugh	elizabeth.e.mchugh@multco.us
Joan Medlen	JOAN.E.MEDLEN@dhsoha.state.or.us
Josh Navarrete	joshnavarrete@ccswv.org

Sarah Noack	sarahnoack@upconnections.org
Laura Noppenberger	lnopp@eossb.org
Darlene O'Keeffe	DARLENE.B.OKEEFFE@dhsosha.state.or.us
Mike Parr	Mike.R.PARR@dhsosha.state.or.us
Shelly Reed	SHELLY.M.REED@dhsosha.state.or.us
Tricia Rosenkraz	trosenkraz@communitypath.org
Ross Ryan	Ross.s.ryan5@gmail.com
Joli Schroader	JOLI.R.SCHROADER@dhsosha.state.or.us
Sydney Shook	sydney@northstarpathways.org
Barbara Southard	BARBARA.L.SOUTHARD@dhsosha.state.or.us
Leslie Sutton	leslie.sutton@ocdd.org
Danielle Vander Linden	dvanderlinden@oregonrehabilitation.org
Melissa Walker	walkermr@jacksoncounty.org
Claire Weiss	CWeiss@co.clackamas.or.us
Bernie Wilson	berniew@albertinakerr.org

What was the intended effect of this rule adoption?

ODDS adopted rules for community living supports in OAR chapter 411, division 450 to include the eligibility requirements, service descriptions, service limits, and provider qualifications for attendant care, relief care, and skills training available under the Community First Choice1915(k) funding authority. These rules were taken from portions of rules located in OAR chapter 411, divisions 300, 308, 330, 340, 350, and 355. The relevant portions of those rules were eliminated and consolidated into this new division. This assured that variation within rules across program areas related to these services were eliminated.

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Has this rule adoption had its intended effect?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule underestimated?
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule overestimated?
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Have subsequent changes in the law required this rule to be amended or repealed? 411-450-0010 No Changes 411-450-0020 Last Amended 11/01/2019 411-450-0030 Last Amended 12/28/2018 411-450-0040 Last Amended 11/01/2019 411-450-0050 Last Amended 03/01/2021 411-450-0060 Last Amended 10/15/2020 411-450-0070 Last Amended 11/01/2019 411-450-0080 Last Amended 01/20/2021 (Temporary) 411-450-0100 No Changes

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Is there a continued need for this rule?
	<p>What impact has the rule had on small businesses? The rules impacted certified provider agencies. At the time of adoption, there were 248 provider agencies delivering services under these rules. ODDS is unable to estimate the number of provider agencies considered a small business as defined by ORS 183.310.</p> <p>Service providers were required to have an endorsement upon initial certification or the expiration of their current agency certification. Current agency providers that did not require staff to have six hours of pre-service training and have policies and procedures that adequately address the expectations for operating a program had to make changes to comply with the rules. ODDS is unable to estimate the number of agencies or staff at each agency that may require training. ODDS is also unable to estimate the number of providers that may need to update policies to comply with the rules or the costs associated with those updates as they varied by provider.</p>
Additional Comments:	

Report approved by: Mike Parr

6/17/2021

Date report sent to advisory committee members:

6/17/2021

Department of Consumer and Business Services
Workers' Compensation Division

Five-year Administrative Rule Review

Rule division name and rule numbers: OAR chapter 436, division 060, "Claims Administration," rule 0011, "Insurer Reporting Requirements."

Date adopted: Nov. 28, 2016 | **Effective:** Jan. 1, 2017

Date reviewed: June 18, 2021

Advisory Committee Used: Yes

Division 060 stakeholder advisory committees met on 8/27/2015, 9/10/2015, 9/21/2015, 7/18/2016, and 8/23/2016. Relevant discussion occurred on 8/27/2015 and 9/10/2015.

1. Did the rule achieve its intended effect? Yes

a. What was the intended effect?

Although a "new" rule, nearly all of the content of rule 0011 was taken from rule 0010, thus separating some provisions addressing employers' and insurers' responsibilities. Two new elements in rule 0011 listed on the Certificate and Order filed with the Secretary of State on 11/28/2016 were adopted to:

- Require that electronic forms, when allowed, must include the same fields and elements as their paper counterparts; [and]
- Specify that Form 1502, "Insurer's Report," must include the employer's policy number.

b. How did the rule succeed or fail in achieving this effect?

These new provisions reflected then current reporting practices. Electronic forms in use were consistent with paper forms, and insurers commonly included the policy number on Form 1502. However, the division cannot enforce a standard that is not adopted by rule or statute, so it proposed and adopted these reporting requirements.

Compliance with these reporting requirements has been high. The division does not have data to show that compliance has been burdensome.

The division welcomes input from reporters regarding any burdens created by these reporting requirements.

2. Was the fiscal impact statement:

- Underestimated
- Overestimated
- Just about right
- Unknown

a. What was the estimated fiscal impact?

In a “Statement of Need and Fiscal Impact” filed with the Secretary of State on 9/15/2016, the division did not estimate a specific cost for compliance with the new provisions, but included a general statement:

“Additional proposed rule changes should have very minor or insignificant impacts, positive or negative, on the cost of compliance for any people or organizations subject to the rules.”

b. What was the actual fiscal impact?

Unknown.

c. If the answer to question 2 is unknown, briefly explain why.

The division does not have data that would support an assessment of the fiscal impacts. Because the adopted reporting provisions largely reflected current practice, a dollar impact appears unlikely. However, reporters with practical reporting experience are in the best position to assess the costs, so the division invites feedback regarding any actual effects on costs.

3. Have subsequent changes in the law required the rule be repealed or amended?

No. However, though not related to law changes, rule 0011 was amended effective 4/1/2020 to provide exceptions to reporting of the employer’s policy number: 1) when the employer is self-insured; or 2) when the claim is a non-complying employer claim.

4. Is the rule still needed? Yes

The rule is still needed for the reason it was adopted, to provide for uniform reporting of workers’ compensation claims and coverage data to the State of Oregon.

5. What impacts has the rule had on small businesses?

Before adoption, the division projected that these rule changes would not increase costs of compliance for small businesses. However, the division welcomes input from small business representatives regarding any actual cost impacts.

The department must review each administrative rule not later than five years after its adoption. Under ORS 183.405, the agency must determine:

- (a) Whether the rule has had the intended effect;
- (b) Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- (c) Whether subsequent changes in the law require that the rule be repealed or amended;
- (d) Whether there is continued need for the rule; and
- (e) What impacts the rule has on small businesses.

The department must report its findings to any advisory committee appointed under ORS 183.333, to the Secretary of State, and to the Small Business Advisory Committee.

Five-Year Rule Review

ORS 183.405

Rule Name: License Application Withdrawals and Denials

Rule Number(s): OAR 847-050-0070

Adoption Date:

October 26, 2017

Review Due Date:

October 26, 2022

Review Date:

November 1, 2021

Sent to SOS Date:

January 19, 2022

Advisory Committee Used: Administrative Affairs Committee

Advisory Committee Not Used

What was the intended effect of this rule adoption?

The rule was intended to clarify when physician assistant applicants who withdrew an application that may contain evidence of a violation of ORS 677 or whose application was denied by the Board could submit a new application for licensure. The rule provided they may submit a new application two years after the date of withdrawal or denial.

Yes
 No

Has this rule adoption had its intended effect?

The rule clearly states that applicants who withdrew an application that may contain evidence of a violation of ORS 677 or whose application was denied by the Board have to wait two years to submit a new application for licensure.

Yes
 No

Was the anticipated fiscal impact of this rule correct?

The Oregon Medical Board anticipated no fiscal impact by the rule. There is no known fiscal impact. There may be a fiscal impact to applicants unable to reapply for two years due to lost income from not obtaining Oregon licensure.

Yes
 No

Have subsequent changes in the law required this rule to be/can be amended or repealed?

No changes since adoption.

Yes
 No

Is there a continued need for this rule?

Yes.

Yes
 No

What impact has the rule had on small businesses?

None.

Additional Comments:

Report provided by: Rules Coordinator

847-050-0070**License Application Withdrawals and Denials**

(1) An applicant who withdraws an application for licensure that may contain evidence of a violation of any provision of ORS 677.010-677.855 may submit a new application for licensure two years after the date of withdrawal.

(2) An applicant whose application has been denied may submit a new application for licensure two years after the date of denial.

Statutory/Other Authority: ORS 677.265

Statutes/Other Implemented: ORS 677.265, ORS 677.100, ORS 677.190, ORS 677.220 & ORS 677.512

Five-Year Rule Review

ORS 183.405

Rule Name: License Application Withdrawals and Denials

Rule Number(s): OAR 847-070-0060

Adoption Date:

October 26, 2017

Review Due Date:

October 26, 2022

Review Date:

November 1, 2021

Sent to SOS Date:

January 19, 2022

Advisory Committee Used: Administrative Affairs Committee

Advisory Committee Not Used

What was the intended effect of this rule adoption?

The rule was intended to clarify when acupuncture applicants who withdrew an application that may contain evidence of a violation of ORS 677 or whose application was denied by the Board could submit a new application for licensure. The rule provided they may submit a new application two years after the date of withdrawal or denial.

Yes
 No

Has this rule adoption had its intended effect?

The rule clearly states that applicants who withdrew an application that may contain evidence of a violation of ORS 677 or whose application was denied by the Board have to wait two years to submit a new application for licensure.

Yes
 No

Was the anticipated fiscal impact of this rule correct?

The Oregon Medical Board anticipated no fiscal impact by the rule. There is no known fiscal impact. There may be a fiscal impact to applicants unable to reapply for two years due to lost income from not obtaining Oregon licensure.

Yes
 No

Have subsequent changes in the law required this rule to be/can be amended or repealed?

No changes since adoption.

Yes
 No

Is there a continued need for this rule?

Yes.

Yes
 No

What impact has the rule had on small businesses?

None.

Additional Comments:

Report provided by: Rules Coordinator

847-070-0060

License Application Withdrawals and Denials

(1) An applicant who withdraws an application for licensure that may contain evidence of a violation of any provision of ORS 677.010-677.855 may submit a new application for licensure two years after the date of withdrawal.

(2) An applicant whose application has been denied may submit a new application for licensure two years after the date of denial.

Statutory/Other Authority: ORS 677.265

Statutes/Other Implemented: ORS 677.265, ORS 677.100, ORS 677.190, ORS 677.220 & ORS 677.759

FIVE YEAR RULE REVIEW REPORT

Subject: Disqualification from a license

Purpose and Effect: The purpose of this rule is to enact ORS 455.127. This rule provides the Director or the appropriate advisory board the power to disqualify a person from obtaining a license, registration, certificate, or certification when the necessary requirements have been met. The disqualification period is 5 years, and may consider mitigating factors.

Rule Number: OAR 918-001-0034

▶ **Did the rule have the intended effect?**

Yes, this rule enacts ORS 455.127, and it had its intended effect of enacting that statute.

▶ **Was the anticipated fiscal impact of the rule underestimated or overestimated?**

No. The division believes the fiscal impact was appropriately estimated. The division explained at the time of filing that the proposed rule would only impact a small number of people and businesses at a time and would have a minimal fiscal and economic impact, noting the only small businesses that would be subject to the proposed rule would be those businesses that are disqualified from obtaining a license, registration, certificate, or certification under the proposed rule.

▶ **Do subsequent changes in the law require the rule to be repealed or amended?**

No. This rule was developed to enact ORS 455.127, and that statute has not had any changes to it since the enactment of this rule.

▶ **Is the rule still needed?**

Yes, the rule is still needed. It enacts the statutorily granted enforcement powers, outlined in ORS 455.127, to the Building Codes Division.

Advisory committee used: No. A rules advisory committee was not used for this rule.

FIVE YEAR RULE REVIEW REPORT

Subject: 2016 Certification Transition

Purpose and Effect: This rule creates a transition path from International Code Council certifications to equivalent Oregon certifications, it clarifies certain continuing education requirements for certification holders, and it prohibits a person who has not obtained the appropriate Oregon Certification by November 1, 2016, from performing certain duties for which an Oregon Code Certification is required.

More specifically, this rule does the following:

- Allows the division to issue an equivalent Oregon Code Certification to a person with a valid appropriate International Code Council Certification, or an appropriate nationally recognized certification or license, issued prior to April 1, 2016, for specified certifications identified as equivalent to an Oregon Code Certification.
- Allows the division to issue an Oregon Building Official certification to a person with a valid Oregon Inspector Certification issued prior to April 1, 2016, who also either passed a certain exam or obtained a certain certification prior to April 1, 2016.
- Outlines situations where the division may deny the issuance of an Oregon certification discussed above.
- Identifies a three year period through November 1, 2016, when code change continuing education may be required for a person who received a certification before the effective date of a new applicable Oregon code for the certification.
- Explains, if a certification holder fails to complete required continuing education for a given certification by the deadline for renewal of their Oregon Inspector Certification, the certification for which they did not complete continuing education will be denied and the person may not re-apply for the certification pursuant to OAR 918-098-1025 for the three-year period covered by the Oregon Inspector Certification. Instead, to obtain the certification, the person must reapply and successfully pass an examination administered by the division. If the person fails this exam, the applicant may reapply and retest for a fee of \$80.
- Prohibits a person who has not obtained the appropriate Oregon Certification by November 1, 2016, from performing duties as a building official or performing inspections or plan reviews for which an Oregon Code Certification is required.

Rule Number: OAR 918-098-1100

► **Did the rule have the intended effect?**

Yes, this rule provided a path to transition from the previously recognized International Code Council certifications to the new requirement to have an Oregon certification.

► **Was the anticipated fiscal impact of the rule underestimated or overestimated?**

No. The division believes the fiscal impact was appropriately estimated. There was no anticipated fiscal impact on persons that hold valid Oregon Code Certifications and Oregon Inspector Certifications. A minimal fiscal impact was anticipated to be possible for persons seeking certification in Oregon because there are existing fees associated with

applying for and maintaining Oregon certifications. These fees, compared with the fees associated with obtaining and maintaining a nationally recognized certification, were thought to possibly result in a positive impact on applicants for certification in Oregon. However, no financial gain was thought to be realized if a person decides to maintain their national certification. There was also no fiscal impact anticipated for the renewal or reapplication of an Oregon Inspector Certification because the fee requirements already exist in rule. The division believes the anticipated fiscal impact was estimated accurately.

► **Do subsequent changes in the law require the rule to be repealed or amended?**

No. There has been no change to the law which requires this rule to be repealed or amended.

► **Is the rule still needed?**

Yes, the rule is still needed. This rule prohibits a person who has not obtained the appropriate Oregon Certification by November 1, 2016, from performing duties as a building official or performing inspections or plan reviews for which an Oregon Code Certification is required. A repeal of this rule may result in an inability to enforce this issue. As a result, the rule is still needed.

The division does recognize, however, that portions of this rule are no longer utilized. The division plans to look at its certifications in more detail in the coming months, and plans to update this rule at that time.

Advisory committee used: No. A rules advisory committee was not used for this rule.

FIVE YEAR RULE REVIEW REPORT

Subject: Conflict of Interest for Building Officials, Inspectors, and Plans Examiners

Rule Number: OAR 918-098-1475

Purpose and Effect: This rule was adopted with a set of rules which changed the certification requirements for building officials, inspectors, and plans examiners, and which changed the certification process. This rule was established to clarify the conflict of interest requirements for certification holders.

▶ **Did the rule have the intended effect?**

Yes, this rule had the intended effect of clarifying the conflict of interest requirements for certification holders.

▶ **Was the anticipated fiscal impact of the rule underestimated or overestimated?**

No. The division believes the fiscal impact was appropriately estimated. No fiscal impact was identified for persons who hold a valid Oregon Code Certification and Oregon Inspector Certification, and these individuals are the ones affected by this rule.

▶ **Do subsequent changes in the law require this rule to be repealed or amended?**

No. There have not been any subsequent changes in the law which require this rule to be repealed or amended.

▶ **Is the rule still needed?**

Yes, the rule is still needed. This rule guides certification holders on what work may result in a conflict of interest and is therefore disallowed under the rule.

Advisory committee used: A rules advisory committee was not used in the development of this rule.

FIVE YEAR RULE REVIEW REPORT

Subject: OIC Sanctions

Purpose and Effect: The purpose and effect of this rule is to clarify that any grounds for an enforcement action against a building inspection program certification held by an individual is also grounds for action against the Oregon Inspector Certification held by that same individual.

Rule Number: OAR 918-098-1505

▶ **Did the rule have the intended effect?**

Yes, this rule has provided clarification that any grounds for an enforcement action against a building inspection program certification held by an individual is also grounds for action against the Oregon Inspector Certification held by that same individual.

▶ **Was the anticipated fiscal impact of the rule underestimated or overestimated?**

No. The division believes the fiscal impact was appropriately estimated. At the time of filing, the division explained there was likely little or no impact on stakeholders because the rule merely clarifies the sanction authority of the division. The division believes this was accurate.

▶ **Do subsequent changes in the law require the rule to be repealed or amended?**

There has not been any subsequent changes in the law which require this rule to be repealed or amended.

▶ **Is the rule still needed?**

Yes, this rule is still needed to offer the clarification outlined above.

Advisory committee used: No. A rules advisory committee was not used in the development of this rule.

FIVE YEAR RULE REVIEW REPORT

Subject: 455.732 Inspector Certification

Purpose and Effect: This rule was adopted as part of a larger rulemaking effort designed to apply a process for customized training and education programs authorized by House Bill 2698 (2013). That bill created a new statute, ORS 455.732, which granted the director of the Department of Consumer and Business Services rulemaking authority, after consultation with appropriate advisory boards, over the terms, conditions and classifications for the certification of inspectors for the various specialty codes.

Rule Number: OAR 918-098-1525

▶ **Did the rule have the intended effect?**

Yes, this rule had the intended effect. The rule has created a flexible way to certify inspectors based upon the needs of local jurisdictions.

▶ **Was the anticipated fiscal impact of the rule underestimated or overestimated?**

No. The division believes the fiscal impact was appropriately estimated. When this rule was filed, it was noted there was no additional fiscal or economic impact anticipated for stakeholders, and there was a possible cost savings. This fiscal impact is believed to have been accurately estimated.

▶ **Do subsequent changes in the law require the rule to be repealed or amended?**

No. There has been no change to the law which requires this rule to be repealed or amended.

▶ **Is the rule still needed?**

Yes, the rule is still needed. It allows for flexibility based on local needs to get persons certified within the stated parameters.

Advisory committee used: No. A rules advisory committee was not used for this rule.

FIVE YEAR RULE REVIEW REPORT

Subject: Uniform Alternate Construction Methods

Purpose and Effect: This rule was part of a set of rule changes which were issued in response to updated legal guidance on the appropriate interpretation and implementation of ORS 455.610. ORS 455.610 requires the division to develop alternative standards when there is inadequate fire access or water supply for one and two family dwellings. Once a local jurisdiction determines that fire access or water supply is inadequate, the building official is able to select from the uniform alternate construction standards for one and two family dwellings located in this rule to address that inadequacy. The rule creates a legally sufficient alternate construction process for one and two family dwellings required by ORS 455.610.

Rule Number: OAR 918-480-0125

▶ **Did the rule have the intended effect?**

Yes, the rule provides uniform standards for alternate methods of construction that local jurisdictions can choose to implement if the local jurisdiction determines that the fire apparatus, means of approach to a property, or water supply serving a property does not meet applicable fire code or state building code requirements.

▶ **Was the anticipated fiscal impact of the rule underestimated or overestimated?**

No. The division believes the fiscal impact was appropriately estimated. The anticipated overall fiscal impact when the rule was adopted was minimal given the existing requirements in statute.

▶ **Do subsequent changes in the law require the rule to be repealed or amended?**

No. There has been no change to the law which requires this rule to be repealed or amended.

▶ **Is the rule still needed?**

Yes, the rule is still needed. The same statutory requirement in ORS 455.610 still applies.

Advisory committee used:

No. A rules advisory committee was not used for this rule.

FIVE YEAR RULE REVIEW REPORT

Subject: 2014 OPSC - Plumbing Permit Required

Purpose and Effect: The purpose of this rule is to clarify that a permit or a minor label is required when doing plumbing or medical gas system work in the State of Oregon, and appropriate fees must be paid to the authorized permit issuing agency.

Rule Number: OAR 918-780-0065

- ▶ **Did the rule have the intended effect?**
Yes, the rule clarified the need for a permit or minor label, and the requirement for payment to the authorized permit issuing agency.
- ▶ **Was the anticipated fiscal impact of the rule underestimated or overestimated?**
No. The division believes the fiscal impact was appropriately estimated. There was no fiscal impact identified related to this new rule. This rule does not create the fee for permits or minor labels, it only offers clarity to the existing law requiring a permit or minor label, and requiring payment of the appropriate fee to the authorized permit issuing agency.
- ▶ **Do subsequent changes in the law require the rule to be repealed or amended?**
No, there has been no change to the law which requires this rule to be repealed or amended.
- ▶ **Is the rule still needed?**
Yes, this rule is still needed to provide clarity about the need for a permit or minor label, and payment for the same.

Advisory committee used: Yes, the Oregon State Plumbing Board acted as an advisory committee during this rulemaking.

FIVE YEAR RULE REVIEW REPORT

Subject: 2014 OPSC - Plumbing License Required

Purpose and Effect: This rule provides instruction on what a building official must do when a plumbing installation is being made by an unlicensed person contrary to the provisions of the Oregon Plumbing Specialty Code or OAR chapter 918, division 695. The rule requires the building official to stop the installation through written notice, which may be served on any person engaged in such installation, or by posting a copy of the written notice at the site of the installation. The rule prohibits a person from proceeding with the installation until authorized by the building official.

Rule Number: OAR 918-780-0085

► **Did the rule have the intended effect?**

Yes, this rule provide clear instruction on what a building official must do when a plumbing installation is being made by an unlicensed person.

► **Was the anticipated fiscal impact of the rule underestimated or overestimated?**

It is difficult to determine whether the fiscal impact of this rule was underestimated, overestimated, or estimated correctly. But, based on the information available, the division believes the estimated fiscal impact on this rule was likely correct.

The rule outlines steps for a building official to take when a plumbing installation is being made by an unlicensed person. Without the rule, it is anticipated the building official would still need to take steps to address the unlicensed work. As such, there could be a slight fiscal impact as a result of the rule, due to the building official needing to take the time to prepare and serve a notice to stop work. But, on the other hand, without the rule, the building official may spend time addressing the unlicensed install through other means. The fiscal impact statement did not identify any costs specific to this rule, and the division believes that was accurately estimated.

► **Do subsequent changes in the law require the rule to be repealed or amended?**

No. There has been no change to the law which requires this rule to be repealed or amended.

► **Is the rule still needed?**

Yes, the rule is still needed. It assists building officials in understanding what to do when they come across unlicensed persons performing a plumbing installation.

Advisory committee used: Yes, the Oregon State Plumbing Board acted as an advisory committee during this rulemaking.



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725 SUMMER STREET NE, SUITE B | SALEM, OR 97301
503-986-2000 | www.oregon.gov/OHCS

**Report to the Secretary of State: 5-Year Rule Review
(January 2001 – December 2001)**

January 31, 2021

Compiled for February 1, 2006

[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 2001 Calendar Year. A copy of this report shall be made available by Nicole Stingh (Nicole.Stingh@oregon.gov).

January 1, 2001 – December 31, 2001

OHCS adopted a total of 1 rule.

This rulemaking impacted one (1) division and program.

- Multi-Unit Housing Program (Division 10)

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

Division No. 10 (Multi-Unit Housing Program):

Rules Adopted: 813-010-0042

Date Adopted (Filing No.): 2-15-2001 (OHCS 1-2001)

Rule Advisory Committee Used: Yes

If not, please explain: n/a

OAR 813-010-0042: Resident Eligibility and Occupancy	
<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 succeeded because it clarified the statutory mandate to provide financing for affordable housing.
<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 identified; compared to the actual, the impact is positive because it enabled otherwise unaffordable housing to be built.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	OHCS amended the rule in 2007 because of statutory references.
<i>Is the rule still necessary?</i>	Yes



Report to the Secretary of State: 5-Year Rule Review (January 2002 – December 2002)

February 2, 2021

Compiled for February 1, 2007

[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 2002 Calendar Year. A copy of this report shall be made available by Nicole Stingh (Nicole.Stingh@oregon.gov).

January 1, 2002 – December 31, 2002

OHCS adopted a total of 79 rules.

These rulemakings impacted 11 divisions and programs.

- Community Development Incentive Fund (Division 140)
- Community Services Block Grant (Division 210)
- Emergency Housing Program (Division 46)
- Emergency Shelter Grant Program (Division 145)
- Energy Rated Homes for Oregon Program (Division 280)
- Farmworker Housing Development Account (Division 39)
- Farmworker Housing Tax Credit Program (Division 41)
- Housing Stabilization Program (Division 51)
- Low-Income Weatherization Assistance Program (Division 205)
- Manufactured Dwelling or Floating Home Facility Closure (Division 8)
- State Homeless Assistance Program (Division 240)

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Division No. 210 (Community Services Block Grant Program):..... 35
Division No. 240 (State Homeless Assistance Program): 37
Division No. 280 (Energy Rated Homes of Oregon Program): 40

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

Division No. 8 (Manufactured Dwelling or Floating Home Facility Closure):

Rules Adopted: 813-008-0040

Date Adopted (Filing No.): 12-5-2002 (OHCS 17-2002)

Rule Advisory Committee Used: No

If not, please explain: There was no existing body to review rules for the program.

OAR 813-008-0040: Waiver	
<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 based on the original filing.
<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 anticipated; there continued to be no fiscal impact experienced.
<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 repealed this division of rules and created a new set of rules—without this rule—in another division with other purposes.
<i>Is the rule still necessary?</i>	No

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

Division No. 39 (Farmworker Housing Development Account):

Rules Adopted: 813-039-0005; 813-039-0010; 813-039-0015; 813-039-0020; 813-039-0025;
813-039-0030; 813-039-0040

Date Adopted (Filing No.): 10-10-2002 (OHCS 13-2002)

Rule Advisory Committee Used: Yes

If not, please explain: (n/a)

OAR 813-039-0005: General 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, but the funding source and dedicated allocation is not sufficient to operate the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The fiscal impact identified was very minimal; however, the funding allocated is not sufficient to operate the program, so it is not completely known at this point.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	No activities have taken place as of yet; however, the agency will need to amend statute to increase funding.
<i>Is the rule still necessary?</i>	Yes

OAR 813-039-0010: 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, but the funding source and dedicated allocation is not sufficient to operate the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The fiscal impact identified was very minimal; however, the funding allocated is not sufficient to operate the program, so it is not completely known at this point.

2007 5-Year Rule Review

<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	No activities have taken place as of yet; however, the agency will need to amend statute to increase funding.
<i>Is the rule still necessary?</i>	Yes

OAR 813-039-0015: Eligibility	
<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, but the funding source and dedicated allocation is not sufficient to operate the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The fiscal impact identified was very minimal; however, the funding allocated is not sufficient to operate the program, so it is not completely known at this point.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	No activities have taken place as of yet; however, the agency will need to amend statute to increase funding.
<i>Is the rule still necessary?</i>	Yes

OAR 813-039-0020: Application Process	
<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, but the funding source and dedicated allocation is not sufficient to operate the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The fiscal impact identified was very minimal; however, the funding allocated is not sufficient to operate the program, so it is not completely known at this point.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	No activities have taken place as of yet; however, the agency will need to amend statute to increase funding.
<i>Is the rule still necessary?</i>	Yes

OAR 813-039-0025: Application Review	
<i>Based on the need for the rule</i>	The rule met the intended effect, but the funding

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<i>identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	source and dedicated allocation is not sufficient to operate the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The fiscal impact identified was very minimal; however, the funding allocated is not sufficient to operate the program, so it is not completely known at this point.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	No activities have taken place as of yet; however, the agency will need to amend statute to increase funding.
<i>Is the rule still necessary?</i>	Yes

OAR 813-039-0030: Form of Assistance	
<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, but the funding source and dedicated allocation is not sufficient to operate the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The fiscal impact identified was very minimal; however, the funding allocated is not sufficient to operate the program, so it is not completely known at this point.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	No activities have taken place as of yet; however, the agency will need to amend statute to increase funding.
<i>Is the rule still necessary?</i>	Yes

OAR 813-039-0040: Waiver	
<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, but the funding source and dedicated allocation is not sufficient to operate the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The fiscal impact identified was very minimal; however, the funding allocated is not sufficient to operate the program, so it is not completely known at this point.
<i>What Legislative events or agency activities, if any, have been</i>	No activities have taken place as of yet; however, the agency will need to amend statute to increase funding.

2007 5-Year Rule Review

<i>identified that require the agency to amend or repeal the rule?</i>	
<i>Is the rule still necessary?</i>	Yes

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

Division No. 41 (Farmworker Housing Tax Credit Program):

Rules Adopted: 813-041-0000; 813-041-0005; 813-041-0010; 813-041-0015; 813-041-0020;
813-041-0025; 813-041-0030

Date Adopted (Filing No.): 6-6-2002 (OHCS 8-2002)

Rule Advisory Committee Used: Yes

If not, please explain: (n/a)

OAR 813-041-0000: 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>	The rule did meet the original intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no initial anticipated fiscal impact. The actual impact was positive, because it added an extra layer of potential financing for increased housing supply in rural areas.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Agency activities have produced updates to the rule since its inception.
<i>Is the rule still necessary?</i>	Yes

OAR 813-041-0005: 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 did meet the original intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	There was no initial anticipated fiscal impact. The actual impact was positive, because it added an extra layer of potential financing for increased housing

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<i>fiscal impact?</i>	supply in rural areas.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Agency activities have produced updates to the rule since its inception.
<i>Is the rule still necessary?</i>	Yes

OAR 813-041-0010: Program Description and Application 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 did meet the original intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no initial anticipated fiscal impact. The actual impact was positive, because it added an extra layer of potential financing for increased housing supply in rural areas.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Agency activities have produced updates to the rule since its inception.
<i>Is the rule still necessary?</i>	Yes

OAR 813-041-0015: Filing, Consideration and Evaluation of Applications	
<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 did meet the original intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no initial anticipated fiscal impact. The actual impact was positive, because it added an extra layer of potential financing for increased housing supply in rural areas.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Agency activities have produced updates to the rule since its inception.
<i>Is the rule still necessary?</i>	Yes

OAR 813-041-0020: Standby Applications

2007 5-Year Rule Review

<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 did meet the original intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no initial anticipated fiscal impact. The actual impact was positive, because it added an extra layer of potential financing for increased housing supply in rural areas.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Agency activities have produced updates to the rule since its inception.
<i>Is the rule still necessary?</i>	Yes

OAR 813-041-0025: Approval of Eligible Projects	
<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 did meet the original intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no initial anticipated fiscal impact. The actual impact was positive, because it added an extra layer of potential financing for increased housing supply in rural areas.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Agency activities have produced updates to the rule since its inception.
<i>Is the rule still necessary?</i>	Yes

OAR 813-041-0030: Monitoring	
<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 did meet the original intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no initial anticipated fiscal impact. The actual impact was positive, because it added an extra layer of potential financing for increased housing supply in rural areas.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Agency activities have produced updates to the rule

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<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	since its inception.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 46 (Emergency Housing Program):

Rules Adopted: 813-046-0021; 813-046-0061; 813-046-0065; 813-046-0081

Date Adopted (Filing No.): 5-15-2002 (OHCS 3-2002)

Rule Advisory Committee Used: No

If not, please explain: There is an advisory board in place to review the rules.

OAR 813-046-0021: Administration	
<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 has met the intended effect for the establishment of administration guidance.
<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 and continues to be no fiscal impact.
<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 revised the rules since the inception to make them more concise and applicable.
<i>Is the rule still necessary?</i>	Yes

OAR 813-046-0061: Reporting and Recordkeeping	
<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 has met the intended effect for the establishment of administration guidance.
<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 and continues to be no fiscal impact.
<i>What Legislative events or agency</i>	The agency has revised the rules since the inception to

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<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	make them more concise and applicable.
<i>Is the rule still necessary?</i>	Yes

OAR 813-046-0065: Audit	
<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 has met the intended effect for the establishment of administration guidance.
<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 and continues to be no fiscal impact.
<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 revised the rules since the inception to make them more concise and applicable.
<i>Is the rule still necessary?</i>	Yes

OAR 813-046-0081: Administrative Review	
<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 has met the intended effect for the establishment of administration guidance.
<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 and continues to be no fiscal impact.
<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 revised the rules since the inception to make them more concise and applicable.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 51 (Housing Stabilization Program):

Rules Adopted: 813-051-0000; 813-051-0010; 813-051-0020; 813-051-0030; 813-051-0040;
813-051-0050; 813-051-0060; 813-051-0070; 813-051-0080; 813-051-0090;
813-051-0100

Date Adopted (Filing No.): 5-15-2002 (OHCS 4-2002)

Rule Advisory Committee Used: No

If not, please explain: There is an advisory board that reviews the rules.

OAR 813-051-0000: 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>	The rule did meet the intended effect in order to establish 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 fiscal impact estimated and there is currently no fiscal impact.
<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 amended the rules since inception and Legislative changes have guided these.
<i>Is the rule still necessary?</i>	Yes

OAR 813-051-0010: 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 did meet the intended effect in order to establish this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	There was no fiscal impact estimated and there is currently no fiscal impact.

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<i>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 amended the rules since inception and Legislative changes have guided these.
<i>Is the rule still necessary?</i>	Yes

OAR 813-051-0020: Administration	
<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 did meet the intended effect in order to establish 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 fiscal impact estimated and there is currently no fiscal impact.
<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 amended the rules since inception and Legislative changes have guided these.
<i>Is the rule still necessary?</i>	Yes

OAR 813-051-0030: Applicant Eligibility	
<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 did meet the intended effect in order to establish 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 fiscal impact estimated and there is currently no fiscal impact.
<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 amended the rules since inception and Legislative changes have guided these.
<i>Is the rule still necessary?</i>	Yes

OAR 813-051-0040: Use of Funds

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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>	The rule did meet the intended effect in order to establish 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 fiscal impact estimated and there is currently no fiscal impact.
<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 amended the rules since inception and Legislative changes have guided these.
<i>Is the rule still necessary?</i>	Yes

OAR 813-051-0050: Funding Application	
<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 did meet the intended effect in order to establish 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 fiscal impact estimated and there is currently no fiscal impact.
<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 amended the rules since inception and Legislative changes have guided these.
<i>Is the rule still necessary?</i>	Yes

OAR 813-051-0060: Reporting; Recordkeeping	
<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 did meet the intended effect in order to establish 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 fiscal impact estimated and there is currently no fiscal impact.
<i>What Legislative events or agency</i>	The agency has amended the rules since inception and

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<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Legislative changes have guided these.
<i>Is the rule still necessary?</i>	Yes

OAR 813-051-0070: Audit	
<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 did meet the intended effect in order to establish 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 fiscal impact estimated and there is currently no fiscal impact.
<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 amended the rules since inception and Legislative changes have guided these.
<i>Is the rule still necessary?</i>	Yes

OAR 813-051-0080: Appeal 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>	The rule did meet the intended effect in order to establish 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 fiscal impact estimated and there is currently no fiscal impact.
<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 amended the rules since inception and Legislative changes have guided these.
<i>Is the rule still necessary?</i>	Yes

OAR 813-051-0090: Administrative Review	
<i>Based on the need for the rule</i>	The rule did meet the intended effect in order to

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<i>identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	establish 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 fiscal impact estimated and there is currently no fiscal impact.
<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 amended the rules since inception and Legislative changes have guided these.
<i>Is the rule still necessary?</i>	Yes

OAR 813-051-0100: Waiver	
<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 did meet the intended effect in order to establish 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 fiscal impact estimated and there is currently no fiscal impact.
<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 amended the rules since inception and Legislative changes have guided these.
<i>Is the rule still necessary?</i>	No; it has since been repealed.

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

Division No. 140 (Community Development Incentive Fund):

Rules Adopted: 813-140-0000; 813-140-0010; 813-140-0020; 813-140-0030; 813-140-0040;
813-140-0050; 813-140-0060; 813-140-0070; 813-140-0080; 813-140-0090;
813-140-0100; 813-140-0110

Date Adopted (Filing No.): 10-10-2002 (OHCS 16-2002)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-140-0000: 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>	The original intention of the rule has been met through the creation of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was unknown at the time because of the gap funding it was establishing. There has been some minor administrative overhead with positive impact on the program.
<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 no actions or changes.
<i>Is the rule still necessary?</i>	Yes

OAR 813-140-0010: 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 original intention of the rule has been met through the creation of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	The anticipated fiscal impact was unknown at the time because of the gap funding it was establishing. There has been some minor administrative overhead with

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<i>fiscal impact?</i>	positive impact on the program.
<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 amended it as needed but is still out of date.
<i>Is the rule still necessary?</i>	Yes

OAR 813-140-0020: Fund Purposes	
<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 original intention of the rule has been met through the creation of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was unknown at the time because of the gap funding it was establishing. There has been some minor administrative overhead with positive impact on the program.
<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 amended it as needed but is still out of date.
<i>Is the rule still necessary?</i>	Yes

OAR 813-140-0030: Fund Administration	
<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 original intention of the rule has been met through the creation of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was unknown at the time because of the gap funding it was establishing. There has been some minor administrative overhead with positive impact on the program.
<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 amended it as needed but is still out of date.
<i>Is the rule still necessary?</i>	Yes

OAR 813-140-0040: Eligible Uses of the Fund
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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>	The original intention of the rule has been met through the creation of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was unknown at the time because of the gap funding it was establishing. There has been some minor administrative overhead with positive impact on the program.
<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 amended it as needed but is still out of date.
<i>Is the rule still necessary?</i>	Yes

OAR 813-140-0050: Eligible Applicants and Eligible Projects	
<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 original intention of the rule has been met through the creation of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was unknown at the time because of the gap funding it was establishing. There has been some minor administrative overhead with positive impact on the program.
<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 amended it as needed but is still out of date.
<i>Is the rule still necessary?</i>	Yes

OAR 813-140-0060: Funding Preferences	
<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 original intention of the rule has been met through the creation of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was unknown at the time because of the gap funding it was establishing. There has been some minor administrative overhead with positive impact on the program.
<i>What Legislative events or agency</i>	The agency has amended it as needed but is still out of

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<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	date.
<i>Is the rule still necessary?</i>	Yes

OAR 813-140-0070: Application Process

<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 original intention of the rule has been met through the creation of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was unknown at the time because of the gap funding it was establishing. There has been some minor administrative overhead with positive impact on the program.
<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 amended it as needed but is still out of date.
<i>Is the rule still necessary?</i>	Yes

OAR 813-140-0080: Rating Criteria

<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 original intention of the rule has been met through the creation of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was unknown at the time because of the gap funding it was establishing. There has been some minor administrative overhead with positive impact on the program.
<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 amended it as needed but is still out of date.
<i>Is the rule still necessary?</i>	Yes

OAR 813-140-0090: Lending Criteria

<i>Based on the need for the rule identified on the notice of</i>	The original intention of the rule has been met through the creation of this program.
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<i>rulemaking, how did the rule meet or fail to meet its intended effect?</i>	
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was unknown at the time because of the gap funding it was establishing. There has been some minor administrative overhead with positive impact on the program.
<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 amended it as needed but is still out of date.
<i>Is the rule still necessary?</i>	Yes

OAR 813-140-0100: Award	
<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 original intention of the rule has been met through the creation of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was unknown at the time because of the gap funding it was establishing. There has been some minor administrative overhead with positive impact on the program.
<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 no actions or changes.
<i>Is the rule still necessary?</i>	Yes

OAR 813-140-0110: Small Community Incentive Fund	
<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 original intention of the rule has been met through the creation of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was unknown at the time because of the gap funding it was establishing. There has been some minor administrative overhead with positive impact on the program.
<i>What Legislative events or agency</i>	The agency has amended it as needed but is still out of

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<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	date.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 145 (Emergency Shelter Grant Program):

Rules Adopted: 813-145-0000; 813-145-0010; 813-145-0020; 813-145-0030; 813-145-0040;
813-145-0050; 813-145-0060; 813-145-0070; 813-145-0080; 813-145-0090

Date Adopted (Filing No.): 5-5-2002 (OHCS 5-2002)

Rule Advisory Committee Used: No

If not, please explain: There is an advisory board established to review rules.

OAR 813-145-0000: 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>	The rule met the intended effect by establishing the guidance for delivery of 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 there has continued to be no impact.
<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 been both Legislative actions and agency changes made to these rules.
<i>Is the rule still necessary?</i>	Yes

OAR 813-145-0010: 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 by establishing the guidance for delivery of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	There was no anticipated fiscal impact and there has continued to be no impact.

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<i>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>	There has been both Legislative actions and agency changes made to these rules.
<i>Is the rule still necessary?</i>	Yes

OAR 813-145-0020: Administration	
<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 by establishing the guidance for delivery of 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 there has continued to be no impact.
<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 been both Legislative actions and agency changes made to these rules.
<i>Is the rule still necessary?</i>	Yes

OAR 813-145-0030: Eligible Activities	
<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 by establishing the guidance for delivery of 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 there has continued to be no impact.
<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 been both Legislative actions and agency changes made to these rules.
<i>Is the rule still necessary?</i>	Yes

OAR 813-145-0040: Funding Application
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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>	The rule met the intended effect by establishing the guidance for delivery of 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 there has continued to be no impact.
<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 been both Legislative actions and agency changes made to these rules.
<i>Is the rule still necessary?</i>	Yes

OAR 813-145-0050: Reporting; Recordkeeping	
<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 by establishing the guidance for delivery of 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 there has continued to be no impact.
<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 been both Legislative actions and agency changes made to these rules.
<i>Is the rule still necessary?</i>	Yes

OAR 813-145-0060: Audit	
<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 by establishing the guidance for delivery of 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 there has continued to be no impact.
<i>What Legislative events or agency</i>	There has been both Legislative actions and agency

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<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	changes made to these rules.
<i>Is the rule still necessary?</i>	Yes

OAR 813-145-0070: Appeal 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>	The rule met the intended effect by establishing the guidance for delivery of 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 there has continued to be no impact.
<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 been both Legislative actions and agency changes made to these rules.
<i>Is the rule still necessary?</i>	Yes

OAR 813-145-0080: Administrative Review

<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 by establishing the guidance for delivery of 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 there has continued to be no impact.
<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 been both Legislative actions and agency changes made to these rules.
<i>Is the rule still necessary?</i>	Yes

OAR 813-145-0090: Waiver

<i>Based on the need for the rule identified on the notice of</i>	The rule met the intended effect by establishing the guidance for delivery of this program.
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<i>rulemaking, how did the rule meet or fail to meet its intended effect?</i>	
<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 there has continued to be no impact.
<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 been both Legislative actions and agency changes made to these rules.
<i>Is the rule still necessary?</i>	No, this has been repealed.

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

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

Rules Adopted: 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;
813-205-0090

Date Adopted (Filing No.): 12-13-2002 (OHCS 19-2002)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-205-0000: 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>	The rule has met its intended through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was correct, that there has been a positive impact through services provided and ease upon the subgrantees.
<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 some agency amendments to this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-0010: 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 has met its intended through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	The anticipated fiscal impact was correct, that there has been a positive impact through services provided and ease upon the subgrantees.

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<i>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>	There have been some agency amendments to this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-205-0020: Program Administration	
<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 has met its intended through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was correct, that there has been a positive impact through services provided and ease upon the subgrantees.
<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 some agency amendments to this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-205-0030: 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>	The rule has met its intended through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was correct, that there has been a positive impact through services provided and ease upon the subgrantees.
<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 some agency amendments to this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-205-0040: Eligible Activities
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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>	The rule has met its intended through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was correct, that there has been a positive impact through services provided and ease upon the subgrantees.
<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 some agency amendments to this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-205-0050: Fund Uses (Federal)	
<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 has met its intended through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was correct, that there has been a positive impact through services provided and ease upon the subgrantees.
<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 some agency amendments to this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-205-0051: Fund Uses (ECHO)	
<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 has met its intended through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was correct, that there has been a positive impact through services provided and ease upon the subgrantees.
<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 some agency amendments to this rule.

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<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-205-0060: Authorizations	
<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 has met its intended through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was correct, that there has been a positive impact through services provided and ease upon the subgrantees.
<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 some agency amendments to this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-205-0070: Fiscal Control/Reporting Requirements/Documentation	
<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 has met its intended through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was correct, that there has been a positive impact through services provided and ease upon the subgrantees.
<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 some agency amendments to this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-205-0080: Monitoring	
<i>Based on the need for the rule identified on the notice of</i>	The rule has met its intended through establishment of this program.

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<i>rulemaking, how did the rule meet or fail to meet its intended effect?</i>	
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was correct, that there has been a positive impact through services provided and ease upon the subgrantees.
<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 some agency amendments to this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-205-0090: Waiver	
<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 has met its intended through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was correct, that there has been a positive impact through services provided and ease upon the subgrantees.
<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 some agency amendments to this rule.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 210 (Community Services Block Grant Program):

Rules Adopted: 813-210-0001; 813-210-0055; 813-210-0065

Date Adopted (Filing No.): 4-15-2002 (OHCS 2-2002)

Rule Advisory Committee Used: No

If not, please explain: There is currently an advisory board established to review rules.

OAR 813-210-0001: 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 did meet its intended effect through establishment of guidance for these funds.
<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 there continues to be no impact.
<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 been Legislative events and agency amendments to this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-210-0055: 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 did meet its intended effect through establishment of guidance for these funds.
<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 there continues to be no impact.
<i>What Legislative events or agency</i>	There has been Legislative events and agency

2007 5-Year Rule Review

<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	amendments to this rule.
<i>Is the rule still necessary?</i>	No, it has since been repealed.

OAR 813-210-0065: Waiver	
<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 did meet its intended effect through establishment of guidance for these funds.
<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 there continues to be no impact.
<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 been Legislative events and agency amendments to this rule.
<i>Is the rule still necessary?</i>	No, it has since been repealed.

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

Division No. 240 (State Homeless Assistance Program):

Rules Adopted: 813-240-0001; 813-240-0041; 813-240-0070; 813-240-0080; 813-240-0090

Date Adopted (Filing No.): 5-15-2002 (OHCS 6-2002)

Rule Advisory Committee Used: No

If not, please explain: There is an advisory committee that reviews the rules.

OAR 813-240-0001: 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>	The rule has met the intended effect through establishing guidance of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was neither an anticipated or current fiscal impact.
<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 subsequent Legislative and agency changes for this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-240-0041: Funding Application	
<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 has met the intended effect through establishing guidance of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was neither an anticipated or current fiscal impact.
<i>What Legislative events or agency</i>	There have been subsequent Legislative and agency

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<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	changes for this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-240-0070: Appeal 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>	The rule has met the intended effect through establishing guidance of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was neither an anticipated or current fiscal impact.
<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 subsequent Legislative and agency changes for this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-240-0080: Administrative Review

<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 has met the intended effect through establishing guidance of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was neither an anticipated or current fiscal impact.
<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 subsequent Legislative and agency changes for this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-240-0090: Waiver

<i>Based on the need for the rule identified on the notice of</i>	The rule has met the intended effect through establishing guidance of this program.
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<i>rulemaking, how did the rule meet or fail to meet its intended effect?</i>	
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was neither an anticipated or current fiscal impact.
<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 subsequent Legislative and agency changes for this rule.
<i>Is the rule still necessary?</i>	No, this rule has been repealed.

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

Division No. 280 (Energy Rated Homes of Oregon Program):

Rules Adopted: 813-280-0000; 813-280-0010; 813-280-0020; 813-280-0030; 813-280-0040;
813-280-0050; 813-280-0060; 813-280-0070

Date Adopted (Filing No.): 12-13-2002 (OHCS 18-2002)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-280-0000: 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>	The rule met the intended effect through the establishment of guidance and regulation for this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was correct as to what has been witnessed, which was very limited.
<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 repealed the rule because there was a lack of participation and response.
<i>Is the rule still necessary?</i>	No

OAR 813-280-0010: 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 through the establishment of guidance and regulation for this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	The anticipated fiscal impact was correct as to what has been witnessed, which was very limited.

2007 5-Year Rule Review

<i>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 repealed the rule because there was a lack of participation and response.
<i>Is the rule still necessary?</i>	No

OAR 813-280-0040: Financing Cost Effective Improvements	
<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 through the establishment of guidance and regulation for this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was correct as to what has been witnessed, which was very limited.
<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 repealed the rule because there was a lack of participation and response.
<i>Is the rule still necessary?</i>	No

OAR 813-280-0050: Home Energy Rater Certification	
<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 through the establishment of guidance and regulation for this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was correct as to what has been witnessed, which was very limited.
<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 repealed the rule because there was a lack of participation and response.
<i>Is the rule still necessary?</i>	No

OAR 813-280-0060: Fees

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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>	The rule met the intended effect through the establishment of guidance and regulation for this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was correct as to what has been witnessed, which was very limited.
<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 repealed the rule because there was a lack of participation and response.
<i>Is the rule still necessary?</i>	No

OAR 813-280-0070: Waiver	
<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 through the establishment of guidance and regulation for this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was correct as to what has been witnessed, which was very limited.
<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 repealed the rule because there was a lack of participation and response.
<i>Is the rule still necessary?</i>	No



Report to the Secretary of State: 5-Year Rule Review (January 2003 – December 2003)

February 2, 2021

Compiled for February 1, 2008

[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 2003 Calendar Year. A copy of this report shall be made available by Nicole Stingh (Nicole.Stingh@oregon.gov).

January 1, 2003 – December 31, 2003

OHCS adopted a total of 41 rules.

These rulemakings impacted seven (7) divisions and programs.

- Community Development Corporation Program (Division 47)
- Low-Income Energy Assistance Program (Division 200)
- Oregon Energy Assistance Program (Division 202)
- Emergency Food Assistance Program (Division 220)
- Food Assistance Funds Program (Division 250)
- Individual Development Accounts (Division 300)
- General Guarantee Program (Division 350)

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

Division No. 47 (Community Development Corporation Program):

Rules Adopted: 813-047-0006

Date Adopted (Filing No.): 5-16-2003 (OHCS 7-2003)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-047-0006: Administration	
<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 by establishing the administration of the 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 there continued to be no impact.
<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 been no activity since its inception for changes. However, there are anticipated updates requiring the agency to amend the rule.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 200 (Low-Income Energy Assistance Program):

Rules Adopted: 813-200-0001

Date Adopted (Filing No.): 5-15-2003 (OHCS 5-2003)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-200-0001: 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>	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 amended this rule.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 202 (Oregon Energy Assistance Program):

Rules Adopted: 813-202-0005; 813-202-0010; 813-202-0015; 813-202-0020; 813-202-0030;
813-202-0040; 813-202-0050; 813-202-0060

Date Adopted (Filing No.): 5-15-2003 (OHCS 6-2003)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-202-0005: 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>	This rule met the intended effect by establishing the program and guidelines.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The positive anticipated impact was correct and remains 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 amended this rule since its inception.
<i>Is the rule still necessary?</i>	Yes

OAR 813-202-0010: Administration	
<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 intended effect by establishing the program and guidelines.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The positive anticipated impact was correct and remains 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>	The agency has amended this rule since its inception.
<i>Is the rule still necessary?</i>	Yes

OAD 813-202-0015: Responsibilities of Local Service Providers	
<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 intended effect by establishing the program and guidelines.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The positive anticipated impact was correct and remains 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 amended this rule since its inception.
<i>Is the rule still necessary?</i>	Yes

OAD 813-202-0020: Eligibility	
<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 intended effect by establishing the program and guidelines.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The positive anticipated impact was correct and remains 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 amended this rule since its inception.
<i>Is the rule still necessary?</i>	Yes

OAD 813-202-0030: Program Services	
<i>Based on the need for the rule</i>	This rule met the intended effect by establishing the

2008 5-Year Rule Review

<i>identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	program and guidelines.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The positive anticipated impact was correct and remains 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 amended this rule since its inception.
<i>Is the rule still necessary?</i>	Yes

OAR 813-202-0040: Limitation on Energy Assistance 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 met the intended effect by establishing the program and guidelines.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The positive anticipated impact was correct and remains 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 amended this rule since its inception.
<i>Is the rule still necessary?</i>	Yes

OAR 813-202-0050: Responsibilities of Energy Suppliers	
<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 intended effect by establishing the program and guidelines.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The positive anticipated impact was correct and remains the same.
<i>What Legislative events or agency activities, if any, have been</i>	The agency has amended this rule since its inception.

2008 5-Year Rule Review

<i>identified that require the agency to amend or repeal the rule?</i>	
<i>Is the rule still necessary?</i>	Yes

OAR 813-202-0060: Administrative Hearings	
<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 intended effect by establishing the program and guidelines.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The positive anticipated impact was correct and remains 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 amended this rule since its inception.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 220 (Emergency Food Assistance Program):

Rules Adopted: 813-220-0001; 813-220-0015; 813-220-0070

Date Adopted (Filing No.): 5-12-2003 (OHCS 3-2003)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-220-0001: 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>	The rule met the intended effect by establishing purpose and objectives and additional program requirements.
<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 continued to be no impact.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The rule was repealed after the entire program was moved to Department of Human Services.
<i>Is the rule still necessary?</i>	No

OAR 813-220-0015: Requirements Imposed on RCAs	
<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 by establishing purpose and objectives and additional program requirements.
<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 continued to be no impact.
<i>What Legislative events or agency</i>	The rule was repealed after the entire program was

2008 5-Year Rule Review

<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	moved to Department of Human Services.
<i>Is the rule still necessary?</i>	No

OAR 813-220-0070: Waiver	
<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 by establishing purpose and objectives and additional program requirements.
<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 continued to be no impact.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The rule was repealed after the entire program was moved to Department of Human Services.
<i>Is the rule still necessary?</i>	No

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

Division No. 250 (Food Assistance Funds Program):

Rules Adopted: 813-250-0050

Date Adopted (Filing No.): 5-12-2003 (OHCS 4-2003)

Rule Advisory Committee Used: Yes

If not, please explain:

OAR 813-250-0050: Waiver	
<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 through establishing this guideline.
<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 and continued to be none.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The rule was repealed after the program was transferred to Department of Human Services.
<i>Is the rule still necessary?</i>	No

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

Division No. 300 (Individual Development Accounts):

Rules Adopted: 813-300-0005, 813-300-0010, 813-300-0020, 813-300-0030, 813-300-0040, 813-300-0050, 813-300-0060, 813-300-0070, 813-300-0080, 813-300-0090, 813-300-0100, 813-300-0110, 813-300-0120, 813-300-0130, 813-300-0140, 813-300-0150, 813-300-0160, 813-300-0170, 813-300-0180

Date Adopted (Filing No.): 4-4-2003 (OHCS 1-2003)

Rule Advisory Committee Used: Yes

If not, please explain:

OAR 813-300-0005: General 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 served the intended effect through the establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated amount since its inception.
<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 required subsequent changes because of Legislative and agency amendments.
<i>Is the rule still necessary?</i>	Yes

OAR 813-300-0010: 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 served the intended effect through the establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated

2008 5-Year Rule Review

<i>rulemaking compare to the actual fiscal impact?</i>	amount since its inception.
<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 required subsequent changes because of Legislative and agency amendments.
<i>Is the rule still necessary?</i>	Yes

OAR 813-300-0020: Fiduciary Organization Application Process	
<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 served the intended effect through the establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated amount since its inception.
<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 required subsequent changes because of Legislative and agency amendments.
<i>Is the rule still necessary?</i>	Yes

OAR 813-300-0030: Fiduciary Organization Application Review	
<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 served the intended effect through the establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated amount since its inception.
<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 required subsequent changes because of Legislative and agency amendments.
<i>Is the rule still necessary?</i>	Yes

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OAR 813-300-0040: Fiduciary Organization General Responsibilities	
<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 served the intended effect through the establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated amount since its inception.
<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 required subsequent changes because of Legislative and agency amendments.
<i>Is the rule still necessary?</i>	Yes

OAR 813-300-0050: Fiduciary Organization Selection of Account Holders and Designated Beneficiaries	
<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 served the intended effect through the establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated amount since its inception.
<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 required subsequent changes because of Legislative and agency amendments.
<i>Is the rule still necessary?</i>	Yes

OAR 813-300-0060: Fiduciary Organization Suspension or Termination of Account Holders	
<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 served the intended effect through the establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated amount since its inception.

2008 5-Year Rule Review

<i>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>	This rule has required subsequent changes because of Legislative and agency amendments.
<i>Is the rule still necessary?</i>	Yes

OAD 813-300-0070: Fiduciary Organization 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>	The rule served the intended effect through the establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated amount since its inception.
<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 required subsequent changes because of Legislative and agency amendments.
<i>Is the rule still necessary?</i>	Yes

OAD 813-300-0080: Fiduciary Organization Use of Tax Credit Contributions and Related Funds	
<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 served the intended effect through the establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated amount since its inception.
<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 required subsequent changes because of Legislative and agency amendments.
<i>Is the rule still necessary?</i>	Yes

OAD 813-300-0090: Fiduciary Financial Controls; Audit and Repayment Responsibilities

2008 5-Year Rule Review

<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 served the intended effect through the establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated amount since its inception.
<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 required subsequent changes because of Legislative and agency amendments.
<i>Is the rule still necessary?</i>	Yes

OAR 813-300-0100: Fiduciary Organization Records and 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 served the intended effect through the establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated amount since its inception.
<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 required subsequent changes because of Legislative and agency amendments.
<i>Is the rule still necessary?</i>	Yes

OAR 813-300-0110: Account Holder and Beneficiary Responsibilities	
<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 served the intended effect through the establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated amount since its inception.
<i>What Legislative events or agency</i>	This rule has required subsequent changes because of

2008 5-Year Rule Review

<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Legislative and agency amendments.
<i>Is the rule still necessary?</i>	Yes

OAR 813-300-0120: Account Holder Use of Funds	
<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 served the intended effect through the establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated amount since its inception.
<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 required subsequent changes because of Legislative and agency amendments.
<i>Is the rule still necessary?</i>	Yes

OAR 813-300-0130: Voluntary Termination of a Fiduciary Organization	
<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 served the intended effect through the establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated amount since its inception.
<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 required subsequent changes because of Legislative and agency amendments.
<i>Is the rule still necessary?</i>	Yes

OAR 813-300-0140: Financial Institutions	
<i>Based on the need for the rule identified on the notice of</i>	The rule served the intended effect through the establishment of this program.

2008 5-Year Rule Review

<i>rulemaking, how did the rule meet or fail to meet its intended effect?</i>	
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated amount since its inception.
<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 required subsequent changes because of Legislative and agency amendments.
<i>Is the rule still necessary?</i>	Yes

OAR 813-300-0150: Tax Credit Contributor	
<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 served the intended effect through the establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated amount since its inception.
<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 required subsequent changes because of Legislative and agency amendments.
<i>Is the rule still necessary?</i>	Yes

OAR 813-300-0160: Department Regulation and Enforcement	
<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 served the intended effect through the establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated amount since its inception.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to</i>	This rule has required subsequent changes because of Legislative and agency amendments.

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<i>amend or repeal the rule?</i>	
<i>Is the rule still necessary?</i>	Yes

OAR 813-300-0170: Administrative Review	
<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 served the intended effect through the establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated amount since its inception.
<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 required subsequent changes because of Legislative and agency amendments.
<i>Is the rule still necessary?</i>	Yes

OAR 813-300-0180: Waiver	
<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 served the intended effect through the establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. The program expended extensively over the anticipated amount since its inception.
<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 required subsequent changes because of Legislative and agency amendments.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 350 (General Guarantee Program):

Rules Adopted: 813-350-0005; 813-350-0010; 813-350-0020; 813-350-0030; 813-350-0040;
813-350-0050; 813-350-0060; 813-350-0070

Date Adopted (Filing No.): 5-1-2003 (OHCS 2-2003)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-350-0005: 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>	The rule met the intended effect through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was potentially underestimated because of the lack of depth of investigation.
<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 amendments to make to this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-350-0010: 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 through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	The anticipated fiscal impact was potentially underestimated because of the lack of depth of investigation.

2008 5-Year Rule Review

<i>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 amendments to make to this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-350-0020: Source of Guarantee 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>	The rule met the intended effect through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was potentially underestimated because of the lack of depth of investigation.
<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 amendments to make to this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-350-0030: Eligibility for Guarantees	
<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 through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was potentially underestimated because of the lack of depth of investigation.
<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 amendments to make to this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-350-0040: Application Procedure and Requirements

2008 5-Year Rule Review

<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 through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was potentially underestimated because of the lack of depth of investigation.
<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 amendments to make to this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-350-0050: Criteria for Guarantees	
<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 through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was potentially underestimated because of the lack of depth of investigation.
<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 amendments to make to this rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-350-0060: Fees	
<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 through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was potentially underestimated because of the lack of depth of investigation.
<i>What Legislative events or agency</i>	The agency has amendments to make to this rule.

2008 5-Year Rule Review

<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	
<i>Is the rule still necessary?</i>	Yes

OAR 813-350-0070: Waiver	
<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 through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was potentially underestimated because of the lack of depth of investigation.
<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 amendments to make to this rule.
<i>Is the rule still necessary?</i>	Yes



**OREGON HOUSING *and*
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725 SUMMER STREET NE, SUITE B | SALEM, OR 97301
503-986-2000 | www.oregon.gov/OHCS

**Report to the Secretary of State: 5-Year Rule Review
(January 2004 – December 2004)**

February 4, 2021

Compiled for February 1, 2009

[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 2004 Calendar Year. A copy of this report shall be made available by Nicole Stingh (Nicole.Stingh@oregon.gov).

January 1, 2004 – December 31, 2004

OHCS adopted a total of 30 rules.

These rulemakings impacted two (2) divisions and programs.

- Intellectual Property (Division 3)
- Subsidized Development Visitability (Division 310)

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

Division No. 3 (Intellectual Property):

Rules Adopted: 813-003-0001; 813-003-0006; 813-003-0011; 813-003-0015; 813-003-0021;
813-003-0025; 813-003-0031; 813-003-0035

Date Adopted (Filing No.): 11-23-2004 (OHCS 4-2004)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-003-0001: 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 met the intended effect through establishing provisions for use of intellectual property.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was the actual, in that the fees proposed were what were needed.
<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 no activities since the rule's inception; however, the agency does need to update the rule for accuracy to today's policies.
<i>Is the rule still necessary?</i>	Yes

OAR 813-003-0006: 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 met the intended effect through establishing provisions for use of intellectual property.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was the actual, in that the fees proposed were what were needed.

2009 5-Year Rule Review

<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 no activities since the rule's inception; however, the agency does need to update the rule for accuracy to today's policies.
<i>Is the rule still necessary?</i>	Yes

OAR 813-003-0011: Authority to Acquire, Develop, Use, and Share Intellectual Property	
<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 intended effect through establishing provisions for use of intellectual property.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was the actual, in that the fees proposed were what were needed.
<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 no activities since the rule's inception; however, the agency does need to update the rule for accuracy to today's policies.
<i>Is the rule still necessary?</i>	Yes

OAR 813-003-0015: Guidelines Concerning Acquisition and Use of Intellectual Property	
<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 intended effect through establishing provisions for use of intellectual property.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was the actual, in that the fees proposed were what were needed.
<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 no activities since the rule's inception; however, the agency does need to update the rule for accuracy to today's policies.
<i>Is the rule still necessary?</i>	Yes

OAR 813-003-0021: Guidelines for Training and Technical Assistance	
<i>Based on the need for the rule</i>	This rule met the intended effect through establishing

2009 5-Year Rule Review

<i>identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	provisions for use of intellectual property.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was the actual, in that the fees proposed were what were needed.
<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 no activities since the rule's inception; however, the agency does need to update the rule for accuracy to today's policies.
<i>Is the rule still necessary?</i>	Yes

OAR 813-003-0025: Fees	
<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 intended effect through establishing provisions for use of intellectual property.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was the actual, in that the fees proposed were what were needed.
<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 no activities since the rule's inception; however, the agency does need to update the rule for accuracy to today's policies.
<i>Is the rule still necessary?</i>	Yes

OAR 813-003-0031: Warranties; Limitation of Liability	
<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 intended effect through establishing provisions for use of intellectual property.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was the actual, in that the fees proposed were what were needed.
<i>What Legislative events or agency activities, if any, have been</i>	There have been no activities since the rule's inception; however, the agency does need to update

2009 5-Year Rule Review

<i>identified that require the agency to amend or repeal the rule?</i>	the rule for accuracy to today's policies.
<i>Is the rule still necessary?</i>	Yes

OAR 813-003-0035: Waiver	
<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 intended effect through establishing provisions for use of intellectual property.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was the actual, in that the fees proposed were what were needed.
<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 no activities since the rule's inception; however, the agency does need to update the rule for accuracy to today's policies.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 310 (Subsidized Development Visitability):

Rules Adopted: 813-310-0005; 813-310-0010; 813-310-0015; 813-310-0020; 813-310-0025;
 813-310-0030; 813-310-0035; 813-310-0040; 813-310-0045; 813-310-0050;
 813-310-0055; 813-310-0060; 813-310-0065; 813-310-0070; 813-310-0075;
 813-310-0080; 813-310-0085; 813-310-0090; 813-310-0095; 813-310-0100;
 813-310-0105; 813-310-0110

Date Adopted (Filing No.): 6-28-2004 (OHCS 3-2004)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-310-0005: Purpose and Objective	
<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 intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-310-0010: Applicability	
<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 intended effect through establishment of the program.
<i>How did the anticipated fiscal</i>	The anticipated fiscal impact was underestimated.

2009 5-Year Rule Review

<i>impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-310-0015: Federal and State Requirements Resolution	
<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 intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-310-0020: 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 met the intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

2009 5-Year Rule Review

OAR 813-310-0025: Visitability 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 met the intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-310-0030: Community Powder Room	
<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 intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-310-0035: Visitable Exterior Route 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 met the intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.

2009 5-Year Rule Review

<i>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 Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAD 813-310-0040: Walk, Ramp, Handrail and Curb Ramp 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 met the intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAD 813-310-0045: Visitable Exterior Unit Entrance 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 met the intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAD 813-310-0050: Visitable Interior Route and Doorway Requirements
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2009 5-Year Rule Review

<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 intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-310-0055: Light Switches, Electrical Outlets and Environmental Control 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 met the intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-310-0060: Group Home Visitability 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 met the intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.

2009 5-Year Rule Review

<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-310-0065: Exemptions	
<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 intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-310-0070: Application for Exemptions from Visitability 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 met the intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-310-0075: Approval or Disapproval of Requested Visitability Exemptions	
<i>Based on the need for the rule</i>	This rule met the intended effect through

2009 5-Year Rule Review

<i>identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-310-0080: Classifying Exemption	
<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 intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-310-0085: Exemption Request Timing	
<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 intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.

2009 5-Year Rule Review

<i>identified that require the agency to amend or repeal the rule?</i>	
<i>Is the rule still necessary?</i>	Yes

OAR 813-310-0090: Good Faith	
<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 intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-310-0095: Exemption for Funding Rejection Prior to July 1, 2004; Continued 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 met the intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-310-0100: Remedies	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet</i>	This rule met the intended effect through establishment of the program.

2009 5-Year Rule Review

<i>or fail to meet its intended effect?</i>	
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-310-0105: Effective Date	
<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 intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-310-0110: Waiver	
<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 intended effect through establishment of the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was underestimated. Because of new programmatic requirements, the fiscal impact is higher than expected.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	The Oregon Structural Specialty Code has been updated and the agency needs to update the rule.

2009 5-Year Rule Review

<i>Is the rule still necessary?</i>	Yes
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OREGON HOUSING *and*
COMMUNITY SERVICES

725 SUMMER STREET NE, SUITE B | SALEM, OR 97301
503-986-2000 | www.oregon.gov/OHCS

Report to the Secretary of State: 5-Year Rule Review (January 2005 – December 2005)

February 9, 2021

Compiled for February 1, 2010

[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 2005 Calendar Year. A copy of this report shall be made available by Nicole Stingh (Nicole.Stingh@oregon.gov).

January 1, 2005 – December 31, 2005

OHCS adopted a total of 0 rules.



Report to the Secretary of State: 5-Year Rule Review (January 2006 – December 2006)

February 12, 2021

Compiled for February 1, 2011

[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 2006 Calendar Year. A copy of this report shall be made available by Nicole Stingh (Nicole.Stingh@oregon.gov).

January 1, 2006 – December 31, 2006

OHCS adopted a total of 34 rules.

These rulemakings impacted seven (7) divisions and programs.

- Community Development Incentive Project Fund (Division 140)
- Descriptive and Procedural Rules (Division 1)
- General Rules (Division 5)
- Manufactured Dwelling Park Purchase Program (Division 9)
- Oregon Affordable Housing Tax Credits: Affordable Housing Project Certification (Division 110)
- Oregon Rural Rehabilitation Program (Division 15)
- Vertical Housing Program (Division 13)

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

Division No. 1 (Descriptive and Procedural Rules):

Rules Adopted: 813-001-0002; 813-001-0007; 813-001-0011

Date Adopted (Filing No.): 1-31-2006 (OHCS 2-2006)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-001-0002: 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 met the intended effect by establishing baselines and minimum expectations for the agency.
<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 there continued to be no impact.
<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 no events or activities to affect this rule. However, the agency is looking at reviewing all of the baseline rules.
<i>Is the rule still necessary?</i>	Yes

OAR 813-001-0007: Procedural Rules for State Housing Council Review and Determination with Respect to Certain Housing Loan, Grant and Other Funding Award Proposals by the Director	
<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 intended effect by establishing baselines and minimum expectations for the agency.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	There was no anticipated fiscal impact and there continued to be no impact.

2011 5-Year Rule Review

<i>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>	There have been no events or activities to affect this rule. However, the agency is looking at reviewing all of the baseline rules.
<i>Is the rule still necessary?</i>	Yes

OAR 813-001-0007: Waiver	
<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 intended effect by establishing baselines and minimum expectations for the agency.
<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 there continued to be no impact.
<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 no events or activities to affect this rule. However, the agency is looking at reviewing all of the baseline rules.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 5 (General Rules):

Rules Adopted: 813-005-0001; 813-005-0016

Date Adopted (Filing No.): 1-31-2006 (OHCS 3-2006)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-005-0001: General 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 met the intended effect by establishing guidelines for the general rules.
<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 remains to be none.
<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 been no activity; however, the agency is looking at reviewing and cleaning up all of the agency general rules soon.
<i>Is the rule still necessary?</i>	Yes

OAR 813-005-0016: Waiver	
<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 intended effect by establishing guidelines for the general rules.
<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 remains to be none.

2011 5-Year Rule Review

<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 been no activity; however, the agency is looking at reviewing and cleaning up all of the agency general rules soon.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 9 (Manufactured Dwelling Park Purchase Program):

Rules Adopted: 813-009-0035

Date Adopted (Filing No.): 8-28-2006 (OHCS 16-2006)

Rule Advisory Committee Used: No

If not, please explain: This was an administrative fix to provide clarification.

OAR 813-009-0035: Waiver	
<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 intended effect of the rule was met by establishing a waiver.
<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 remained to be none.
<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 no events that affect this rule.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 13 (Vertical Housing Program):

Rules Adopted: 813-013-0001; 813-013-0005; 813-013-0010; 813-013-0015; 813-013-0020;
813-013-0025; 813-013-0030; 813-013-0035; 813-013-0040; 813-013-0045;
813-013-0050; 813-013-0054; 813-013-0061; 813-013-0065

Date Adopted (Filing No.): 6-28-2006 (OHCS 8-2006)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-013-0001: 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>	The rule met the intended effect through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact being minimal was correctly estimated.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Legislative activity moved the responsibility for this program to the counties and cities, therefore, relieving OHCS of this duty.
<i>Is the rule still necessary?</i>	No

OAR 813-013-0005: 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 met the intended effect through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	The anticipated fiscal impact being minimal was correctly estimated.

2011 5-Year Rule Review

<i>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>	Legislative activity moved the responsibility for this program to the counties and cities, therefore, relieving OHCS of this duty.
<i>Is the rule still necessary?</i>	No

OAR 813-013-0010: Special Districts and Zone Applications	
<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 through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact being minimal was correctly estimated.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Legislative activity moved the responsibility for this program to the counties and cities, therefore, relieving OHCS of this duty.
<i>Is the rule still necessary?</i>	No

OAR 813-013-0015: Content and Processing of Zone Applications	
<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 through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact being minimal was correctly estimated.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Legislative activity moved the responsibility for this program to the counties and cities, therefore, relieving OHCS of this duty.
<i>Is the rule still necessary?</i>	No

OAR 813-013-0020: Zone Designations
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2011 5-Year Rule Review

<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 through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact being minimal was correctly estimated.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Legislative activity moved the responsibility for this program to the counties and cities, therefore, relieving OHCS of this duty.
<i>Is the rule still necessary?</i>	No

OAR 813-013-0025: Municipally Sponsored Development Projects	
<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 through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact being minimal was correctly estimated.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Legislative activity moved the responsibility for this program to the counties and cities, therefore, relieving OHCS of this duty.
<i>Is the rule still necessary?</i>	No

OAR 813-013-0030: Zone Termination or Modification	
<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 through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact being minimal was correctly estimated.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Legislative activity moved the responsibility for this

2011 5-Year Rule Review

<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	program to the counties and cities, therefore, relieving OHCS of this duty.
<i>Is the rule still necessary?</i>	No

OAR 813-013-0035: Project Certification Applications

<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 through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact being minimal was correctly estimated.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Legislative activity moved the responsibility for this program to the counties and cities, therefore, relieving OHCS of this duty.
<i>Is the rule still necessary?</i>	No

OAR 813-013-0040: Project Criteria

<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 through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact being minimal was correctly estimated.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Legislative activity moved the responsibility for this program to the counties and cities, therefore, relieving OHCS of this duty.
<i>Is the rule still necessary?</i>	No

OAR 813-013-0045: Department Certification of Projects

<i>Based on the need for the rule identified on the notice of</i>	The rule met the intended effect through establishment of this program.
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2011 5-Year Rule Review

<i>rulemaking, how did the rule meet or fail to meet its intended effect?</i>	
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact being minimal was correctly estimated.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Legislative activity moved the responsibility for this program to the counties and cities, therefore, relieving OHCS of this duty.
<i>Is the rule still necessary?</i>	No

OAR 813-013-0050: Project Monitoring/Decertification	
<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 through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact being minimal was correctly estimated.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Legislative activity moved the responsibility for this program to the counties and cities, therefore, relieving OHCS of this duty.
<i>Is the rule still necessary?</i>	No

OAR 813-013-0054: Monitoring; Investigations; Remedies; Decertifications	
<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 through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact being minimal was correctly estimated.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to</i>	Legislative activity moved the responsibility for this program to the counties and cities, therefore, relieving OHCS of this duty.

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<i>amend or repeal the rule?</i>	
<i>Is the rule still necessary?</i>	No

OAR 813-013-0061: Partial Property Tax Exemptions for Certified Projects	
<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 through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact being minimal was correctly estimated.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Legislative activity moved the responsibility for this program to the counties and cities, therefore, relieving OHCS of this duty.
<i>Is the rule still necessary?</i>	No

OAR 813-013-0065: Waiver	
<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 through establishment of this program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact being minimal was correctly estimated.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	Legislative activity moved the responsibility for this program to the counties and cities, therefore, relieving OHCS of this duty.
<i>Is the rule still necessary?</i>	No

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

Division No. 15 (Oregon Rural Rehabilitation Program):

Rules Adopted: 813-015-0001; 813-015-0006; 813-015-0011; 813-015-0016; 813-015-0021;
813-015-0026; 813-015-0031; 813-015-0035; 813-015-0040; 813-015-0045;
813-015-0050

Date Adopted (Filing No.): 11-15-2006 (OHCS 19-2006)

Rule Advisory Committee Used: No

If not, please explain: Minimal fiscal and economic impact was expected or projected.

OAR 813-015-0001: General 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 met the intended effect by establishing the program for agricultural workforce housing.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was overestimated, as the actual was minimal.
<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 no activities to change; however, the agency does need to make some program updates.
<i>Is the rule still necessary?</i>	Yes

OAR 813-015-0006: 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 met the intended effect by establishing the program for agricultural workforce housing.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	The anticipated fiscal impact was overestimated, as the actual was minimal.

2011 5-Year Rule Review

<i>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>	There have been no activities to change; however, the agency does need to make some program updates.
<i>Is the rule still necessary?</i>	Yes

OAR 813-015-0011: Eligibility for 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 met the intended effect by establishing the program for agricultural workforce housing.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was overestimated, as the actual was minimal.
<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 no activities to change; however, the agency does need to make some program updates.
<i>Is the rule still necessary?</i>	Yes

OAR 813-015-0016: Availability and Source of Funds	
<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 intended effect by establishing the program for agricultural workforce housing.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was overestimated, as the actual was minimal.
<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 no activities to change; however, the agency does need to make some program updates.
<i>Is the rule still necessary?</i>	Yes

OAR 813-015-0021: Program Loan Terms

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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 intended effect by establishing the program for agricultural workforce housing.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was overestimated, as the actual was minimal.
<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 no activities to change; however, the agency does need to make some program updates.
<i>Is the rule still necessary?</i>	Yes

OAR 813-015-0026: Loan Security	
<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 intended effect by establishing the program for agricultural workforce housing.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was overestimated, as the actual was minimal.
<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 no activities to change; however, the agency does need to make some program updates.
<i>Is the rule still necessary?</i>	Yes

OAR 813-015-0031: Application 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 met the intended effect by establishing the program for agricultural workforce housing.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was overestimated, as the actual was minimal.
<i>What Legislative events or agency</i>	There have been no activities to change; however, the

2011 5-Year Rule Review

<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	agency does need to make some program updates.
<i>Is the rule still necessary?</i>	Yes

OAR 813-015-0035: Application Review and Processing Procedures	
<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 intended effect by establishing the program for agricultural workforce housing.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was overestimated, as the actual was minimal.
<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 no activities to change; however, the agency does need to make some program updates.
<i>Is the rule still necessary?</i>	Yes

OAR 813-015-0040: Transfer of Ownership	
<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 intended effect by establishing the program for agricultural workforce housing.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was overestimated, as the actual was minimal.
<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 no activities to change; however, the agency does need to make some program updates.
<i>Is the rule still necessary?</i>	Yes

OAR 813-015-0045: Equal Opportunity	
<i>Based on the need for the rule identified on the notice of</i>	This rule met the intended effect by establishing the program for agricultural workforce housing.

2011 5-Year Rule Review

<i>rulemaking, how did the rule meet or fail to meet its intended effect?</i>	
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was overestimated, as the actual was minimal.
<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 no activities to change; however, the agency does need to make some program updates.
<i>Is the rule still necessary?</i>	Yes

OAR 813-015-0050: Waiver	
<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 intended effect by establishing the program for agricultural workforce housing.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was overestimated, as the actual was minimal.
<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 no activities to change; however, the agency does need to make some program updates.
<i>Is the rule still necessary?</i>	Yes

OAR 813-015-00: Rule Name	
<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 intended effect by establishing the program for agricultural workforce housing.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was overestimated, as the actual was minimal.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to</i>	There have been no activities to change; however, the agency does need to make some program updates.

2011 5-Year Rule Review

<i>amend or repeal the rule?</i>	
<i>Is the rule still necessary?</i>	Yes

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

Division No. 110 (Oregon Affordable Housing Tax Credits: Affordable Housing Project Certification):

Rules Adopted: 813-110-0012; 813-110-0050

Date Adopted (Filing No.): 5-17-2006 (OHCS 7-2006)

Rule Advisory Committee Used: No

If not, please explain: The proposed changes were specifically administrative.

OAR 813-110-0012: Sponsor Criteria	
<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 was intended to define specific criteria for the program, which it failed to do.
<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 anticipated and there remained none.
<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 already repealed this rule.
<i>Is the rule still necessary?</i>	No

OAR 813-110-0050: Waiver	
<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 was intended to define specific criteria for the program, which it failed to do.
<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 anticipated and there remained none.
<i>What Legislative events or agency</i>	There have been no changes.

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<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	
<i>Is the rule still necessary?</i>	Yes

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

Division No. 140 (Community Development Incentive Project Fund):

Rules Adopted: 813-140-0120

Date Adopted (Filing No.): 9-15-2006 (OHCS 17-2006)

Rule Advisory Committee Used: No

If not, please explain: An advisory committee was not in place prior to notice, but the new committee will supply comments during the comment period.

OAR 813-140-0120: Waiver	
<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 its intended effect by establishing a waiver.
<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 there continued to be no impact.
<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 no changes.
<i>Is the rule still necessary?</i>	Yes



Report to the Secretary of State: 5-Year Rule Review (January 2007 – December 2007)

February 16, 2021

Compiled for February 1, 2012

[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 2007 Calendar Year. A copy of this report shall be made available by Nicole Stingh (Nicole.Stingh@oregon.gov).

January 1, 2007 – December 31, 2007

OHCS adopted a total of 32 rules.

These rulemakings impacted seven (7) divisions and programs.

- Disabled Housing Program (Division 60)
- Elderly Housing Program (Division 30)
- HELP Program (Division 130)
- Housing Development Grant Program (Division 42)
- Low-Income Weatherization Assistance Program (Division 205)
- Multi-Unit Housing Program (Division 10)
- Pass-Through Revenue Bond Financing Program (Division 35)
- Predevelopment Loan Program (Division 38)
- Rental Housing Program (Division 12)

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

Division No. 10 (Multi-Unit Housing Program):

Rules Adopted: 813-010-0740

Date Adopted (Filing No.): 1-11-2007 (OHCS 3-2007)

Rule Advisory Committee Used: No

If not, please explain: The program was active and this was simply administrative.

OAR 813091900740: Waiver	
<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 its intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no initial anticipated fiscal impact and there continued to be none.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 12 (Rental Housing Program):

Rules Adopted: 813-012-0180

Date Adopted (Filing No.): 1-11-2007 (OHCS 4-2007)

Rule Advisory Committee Used: No

If not, please explain: The program was already established and this was strictly administrative.

OAR 813-012-0180: Waiver	
<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 its intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was no estimated fiscal impact and there continued to be none.
<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 been no activity.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 30 (Elderly Housing Program):

Rules Adopted: 813-030-0070

Date Adopted (Filing No.): 1-11-2007 (OHCS 2-2007)

Rule Advisory Committee Used: No

If not, please explain: This program was already established and this was strictly administrative.

OAR 813-030-0070: Waiver	
<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 intended effect.
<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 continued to be none.
<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 been no activity.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 35 (Pass-Through Revenue Bond Financing Program):

Rules Adopted: 813-035-0070

Date Adopted (Filing No.): 1-11-2007 (OHCS 1-2007)

Rule Advisory Committee Used: No

If not, please explain: This program was already established and this was strictly administrative.

OAR 813-030-0070: Waiver	
<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 intended effect.
<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 continued to be none.
<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 been no activity.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 38 (Predevelopment Loan Program):

Rules Adopted: 813-038-0005; 813-038-0010; 813-038-0015; 813-038-0020; 813-038-0025;
813-038-0030; 813-038-0035; 813-038-0040

Date Adopted (Filing No.): 5-10-2007 (OHCS 12-2007)

Rule Advisory Committee Used: No

If not, please explain: There was minimal fiscal or economic impacts expected.

OAR 813-038-0005: 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 has met the intended effect by establishing the program and guidelines.
<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 continued to be none.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-038-0010: 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 has met the intended effect by establishing the program and guidelines.
<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 continued to be none.

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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 have been no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-038-0015: Availability and Source of Predevelopment Loan Funds	
<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 has met the intended effect by establishing the program and guidelines.
<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 continued to be none.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-038-0020: Program Criteria	
<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 has met the intended effect by establishing the program and guidelines.
<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 continued to be none.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-038-0025: Program Loan Terms	
<i>Based on the need for the rule</i>	This rule has met the intended effect by establishing

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<i>identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	the program and guidelines.
<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 continued to be none.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-038-0030: Application Criteria	
<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 has met the intended effect by establishing the program and guidelines.
<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 continued to be none.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-038-0035: Fees	
<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 has met the intended effect by establishing the program and guidelines.
<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 continued to be none.
<i>What Legislative events or agency activities, if any, have been</i>	There have been no activities.

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<i>identified that require the agency to amend or repeal the rule?</i>	
<i>Is the rule still necessary?</i>	Yes

OAR 813-038-0040: Waiver	
<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 has met the intended effect by establishing the program and guidelines.
<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 continued to be none.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 42 (Housing Development Grant Program):

Rules Adopted: 813-813-042-0000; 813-042-0010; 813-042-0020; 813-042-0030; 813-042-0040;
813-042-0050; 813-042-0060; 813-042-0070; 813-042-0080; 813-042-0090;
813-042-0100; 813-042-0110

Date Adopted (Filing No.): 1-11-2007 (OHCS 7-2007)

Rule Advisory Committee Used: No

If not, please explain: There was minimal fiscal or economic impacts expected.

OAR 813-042-0000: 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 has met the intended effect by establishing the program and guidelines.
<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 continued to be none.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-042-0010: 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 has met the intended effect by establishing the program and guidelines.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	There was no anticipated fiscal impact and continued to be none.

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<i>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>	There have been no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-042-0020: Eligibility for Housing Development Grant Program Funds	
<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 has met the intended effect by establishing the program and guidelines.
<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 continued to be none.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-042-0030: Distribution of Funds	
<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 has met the intended effect by establishing the program and guidelines.
<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 continued to be none.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-042-0040: Application Procedure and Requirements

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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 has met the intended effect by establishing the program and guidelines.
<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 continued to be none.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-042-0050: Criteria for 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 has met the intended effect by establishing the program and guidelines.
<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 continued to be none.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-042-0060: Application Review	
<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 has met the intended effect by establishing the program and guidelines.
<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 continued to be none.
<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 no activities.

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<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	
<i>Is the rule still necessary?</i>	Yes

OAR 813-042-0070: Charges	
<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 has met the intended effect by establishing the program and guidelines.
<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 continued to be none.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-042-0080: General Administrative and Monitoring 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 has met the intended effect by establishing the program and guidelines.
<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 continued to be none.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-042-0090: Remedies for Noncompliance	
<i>Based on the need for the rule identified on the notice of</i>	This rule has met the intended effect by establishing the program and guidelines.

2012 5-Year Rule Review

<i>rulemaking, how did the rule meet or fail to meet its intended effect?</i>	
<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 continued to be none.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-042-0100: Sanctions	
<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 has met the intended effect by establishing the program and guidelines.
<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 continued to be none.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-042-0110: Waiver	
<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 has met the intended effect by establishing the program and guidelines.
<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 continued to be none.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to</i>	There have been no activities.

2012 5-Year Rule Review

<i>amend or repeal the rule?</i>	
<i>Is the rule still necessary?</i>	Yes

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

Division No. 60 (Disabled Housing Program):

Rules Adopted: 813-060-0036; 813-060-0070

Date Adopted (Filing No.): 1-11-2007 (OHCS 5-2007)

Rule Advisory Committee Used: No

If not, please explain: This program was already established and this was strictly administrative.

OAR 813-060-0036: Interim Loans	
<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 intended effect by establishing the interim loan guideline.
<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 continued to be none.
<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 been no activity.
<i>Is the rule still necessary?</i>	Yes

OAR 813-030-0070: Waiver	
<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 intended effect.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	There was no anticipated fiscal impact and continued to be none.

2012 5-Year Rule Review

<i>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>	There has been no activity.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 130 (HELP Program):

Rules Adopted: 813-130-0140

Date Adopted (Filing No.): 1-11-2007 (OHCS 11-2007)

Rule Advisory Committee Used: No

If not, please explain: There was minimal fiscal impact and this was strictly administrative.

OAR 813-130-0140: Waiver	
<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 intended effect.
<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 there continued to be none.
<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 been no activity.
<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: 813-205-0052; 813-205-0085; 813-205-0110; 813-205-0120; 813-205-0130

Date Adopted (Filing No.): 1-11-2007 (OHCS 6-2007)

Rule Advisory Committee Used: No

If not, please explain: This program was already established and there were no anticipated fiscal impacts.

OAR 813-205-0052: Fund Uses (Other), Low Income Weatherization Assistance Program	
<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 has met the intended effect by establishing guidelines and administrative rules for the 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 continued to be none.
<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 been no major activity, but some of these rules have been moved to Division 206 because of the different program operations.
<i>Is the rule still necessary?</i>	Yes

OAR 813-205-0085: Program Administration, Low-Income Weatherization Program	
<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 has met the intended effect by establishing guidelines and administrative rules for the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	There was no anticipated fiscal impact and continued to be none.

2012 5-Year Rule Review

<i>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>	There has been no major activity, but some of these rules have been moved to Division 206 because of the different program operations.
<i>Is the rule still necessary?</i>	Yes

OAD 813-205-0110: Eligible Projects, Low-Income Weatherization Program	
<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 has met the intended effect by establishing guidelines and administrative rules for the 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 continued to be none.
<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 been no major activity, but some of these rules have been moved to Division 206 because of the different program operations.
<i>Is the rule still necessary?</i>	Yes

OAD 813-205-0120: Eligible Activities, Low-Income Weatherization Program	
<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 has met the intended effect by establishing guidelines and administrative rules for the 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 continued to be none.
<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 been no major activity, but some of these rules have been moved to Division 206 because of the different program operations.
<i>Is the rule still necessary?</i>	Yes

OAD 813-205-0130: Fund Uses, Low-Income Weatherization Program

2012 5-Year Rule Review

<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 has met the intended effect by establishing guidelines and administrative rules for the 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 continued to be none.
<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 been no major activity, but some of these rules have been moved to Division 206 because of the different program operations.
<i>Is the rule still necessary?</i>	Yes



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**Report to the Secretary of State: 5-Year Rule Review
(January 2008 – December 2008)**

March 9, 2021

Compiled for February 1, 2013

[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 2008 Calendar Year. A copy of this report shall be made available by Nicole Stingh (Nicole.Stingh@oregon.gov).

January 1, 2008 – December 31, 2008

OHCS adopted a total of 2 rules.

These rulemakings impacted two (2) divisions and programs.

- Community Development Incentive Project Fund (Division 140)
- Oregon Affordable Housing Tax Credit: Affordable Housing Project Certification (Division 110)

Table of Contents:

Division No. 110 (Oregon Affordable Housing Tax Credit: Affordable Housing
Project Certification): 3
Division No. 140 (Community Development Incentive Project Fund): 4

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

Division No. 110 (Oregon Affordable Housing Tax Credit: Affordable Housing Project Certification):

Rules Adopted: 813-110-0013

Date Adopted (Filing No.): 4-11-2008 (OHCS 5-2008)

Rule Advisory Committee Used: No

If not, please explain: There were no proposed or expected negative fiscal or economic impact expected.

OAR 813-110-0013: Loan 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 by establishing loan requirements for the 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 continued to be none.
<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 several amendments by the agency since inception to improve the rule and make it more applicable.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 140 (Community Development Incentive Project Fund):

Rules Adopted: 813-140-0096

Date Adopted (Filing No.): 6-23-2008 (OHCS 6-2008)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-140-0096: Application Process for Housing Preservation Community Incentive Fund	
<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 intended effect by establishing an application process for the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was minimal anticipated fiscal impact and that remained 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 made a few amendments to this rule to update it and keep it applicable.
<i>Is the rule still necessary?</i>	Yes



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**Report to the Secretary of State: 5-Year Rule Review
(January 2009 – December 2009)**

March 9, 2021

Compiled for February 1, 2014

[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 2009 Calendar Year. A copy of this report shall be made available by Nicole Stingh (Nicole.Stingh@oregon.gov).

January 1, 2009 – December 31, 2009

OHCS adopted a total of 13 rules.

These rulemakings impacted two (2) divisions and programs.

- Home Ownership Assistance Program (Division 44)
- General Housing Account (Division 55)

Table of Contents:

Division No. 44 (Home Ownership Assistance Program): 3
Division No. 55 (General Housing Account): 4

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

Division No. 44 (Home Ownership Assistance Program):

Rules Adopted: 813-044-0060

Date Adopted (Filing No.): 12-22-2009 (OHCS 4-2009)

Rule Advisory Committee Used: No

If not, please explain: Comments from the public hearing were used to help inform the rules.

OAR 813-044-0060: Charges	
<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 by establishing a collection fee and increase opportunities for minority homeownership.
<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 there continued to be none.
<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 repealed this rule because the process was no longer required.
<i>Is the rule still necessary?</i>	No

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

Division No. 55 (General Housing Account):

Rules Adopted: 813-055-0001; 813-055-0010; 813-055-0020; 813-055-0030; 813-055-0040;
813-055-0050; 813-055-0060; 813-055-0070; 813-055-0080; 813-055-0090;
813-055-0100; 813-055-0110

Date Adopted (Filing No.): 12-22-2009 (OHCS 5-2009)

Rule Advisory Committee Used: No

If not, please explain: Comments received during the public comment period were used to inform the rules.

OAR 813-055-0001: 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 met the intended purpose by establishing a document recording fee to allocate funds for affordable housing development.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was positive, as it would support affordable housing; the actual is 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 has been much activity since the inception to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-055-0010: 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 met the intended purpose by establishing a document recording fee to allocate funds for affordable housing development.
<i>How did the anticipated fiscal</i>	The anticipated fiscal impact was positive, as it would

2014 5-Year Rule Review

<i>impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	support affordable housing; the actual is 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 has been much activity since the inception to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-055-0020: Eligibility for General Housing Account Funds	
<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 intended purpose by establishing a document recording fee to allocate funds for affordable housing development.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was positive, as it would support affordable housing; the actual is 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 has been much activity since the inception to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-055-0030: Distribution of Funds	
<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 intended purpose by establishing a document recording fee to allocate funds for affordable housing development.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was positive, as it would support affordable housing; the actual is 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>	This rule was repealed because it was not needed anymore.
<i>Is the rule still necessary?</i>	No

2014 5-Year Rule Review

OAR 813-055-0040: Application Procedure and 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 met the intended purpose by establishing a document recording fee to allocate funds for affordable housing development.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was positive, as it would support affordable housing; the actual is 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 has been much activity since the inception to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-055-0050: Criteria for 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 met the intended purpose by establishing a document recording fee to allocate funds for affordable housing development.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was positive, as it would support affordable housing; the actual is 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 has been much activity since the inception to update the rule.
<i>Is the rule still necessary?</i>	Yes

OAR 813-055-0060: Application Review	
<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 intended purpose by establishing a document recording fee to allocate funds for affordable housing development.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	The anticipated fiscal impact was positive, as it would support affordable housing; the actual is the same.

2014 5-Year Rule Review

<i>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>	This rule was repealed because it was not needed anymore.
<i>Is the rule still necessary?</i>	No

OAR 813-055-0070: Charges	
<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 intended purpose by establishing a document recording fee to allocate funds for affordable housing development.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was positive, as it would support affordable housing; the actual is 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>	This rule was repealed because it was not needed anymore.
<i>Is the rule still necessary?</i>	No

OAR 813-055-0080: General Administrative and Monitoring 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 met the intended purpose by establishing a document recording fee to allocate funds for affordable housing development.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was positive, as it would support affordable housing; the actual is 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>	This rule was repealed because it was not needed anymore.
<i>Is the rule still necessary?</i>	No

OAR 813-055-0090: Remedies for Noncompliance

2014 5-Year Rule Review

<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 intended purpose by establishing a document recording fee to allocate funds for affordable housing development.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was positive, as it would support affordable housing; the actual is 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>	This rule was repealed because it was not needed anymore.
<i>Is the rule still necessary?</i>	No

OAR 813-055-0100: Sanctions	
<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 intended purpose by establishing a document recording fee to allocate funds for affordable housing development.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was positive, as it would support affordable housing; the actual is 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>	This rule was repealed because it was not needed anymore.
<i>Is the rule still necessary?</i>	No

OAR 813-055-0110: Waiver	
<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 intended purpose by establishing a document recording fee to allocate funds for affordable housing development.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was positive, as it would support affordable housing; the actual is 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>	This rule was repealed because it was not needed anymore.

2014 5-Year Rule Review

<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	anymore.
<i>Is the rule still necessary?</i>	No



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**Report to the Secretary of State: 5-Year Rule Review
(January 2010 – December 2010)**

March 10, 2021

Compiled for February 1, 2016

[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 2010 Calendar Year. A copy of this report shall be made available by Nicole Stingh (Nicole.Stingh@oregon.gov).

January 1, 2010 – December 31, 2010

OHCS adopted a total of 35 rules.

These rulemakings impacted four (4) divisions and programs.

- Farmworker Housing Tax Credit Program (Division 41)
- Housing Preservation Fund Program (Division 28)
- Manufactured Dwelling Park Registration and Education (Division 7)
- Manufactured Dwelling Parks Preservation Fund Program (Division 27)

Table of Contents:

Division No. 7 (Manufactured Dwelling Park Registration and Education):..... 3
Division No. 41 (Farmworker Housing Tax Credit Program): 9
Division No. 27 (Manufactured Dwelling Parks Preservation Fund Program):..... 10
Division No. 28 (Housing Preservation Fund Program):..... 15

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

Division No. 7 (Manufactured Dwelling Park Registration and Education):

Rules Adopted: 813-007-0005; 813-007-0010; 813-007-0015; 813-007-0020; 813-007-0025;
813-007-0030; 813-007-0035; 813-007-0040; 813-007-0045; 813-007-0050;
813-007-0055; 813-007-0060; 813-007-0065; 813-007-0070

Date Adopted (Filing No.): 1-7-2010 (OHCS 1-2010)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-007-0005: General 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 by establishing the program and guidelines through which manufactured dwelling parks follow.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal, while there was no actual fiscal impact incurred.
<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 been one change.
<i>Is the rule still necessary?</i>	Yes

OAR 813-007-0010: 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 by establishing the program and guidelines through which manufactured dwelling parks follow.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	The anticipated fiscal impact was minimal, while there was no actual fiscal impact incurred.

2015 5-Year Rule Review

<i>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>	There have been no changes.
<i>Is the rule still necessary?</i>	Yes

OAR 813-007-0015: Manufactured Dwelling Park Advisory Committee	
<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 by establishing the program and guidelines through which manufactured dwelling parks follow.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal, while there was no actual fiscal impact incurred.
<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 no changes.
<i>Is the rule still necessary?</i>	Yes

OAR 813-007-0020: Annual Registration Procedures	
<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 by establishing the program and guidelines through which manufactured dwelling parks follow.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal, while there was no actual fiscal impact incurred.
<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 been one change.
<i>Is the rule still necessary?</i>	Yes

OAR 813-007-0025: Annual Registration Charges
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2015 5-Year Rule Review

<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 by establishing the program and guidelines through which manufactured dwelling parks follow.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal, while there was no actual fiscal impact incurred.
<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 few changes.
<i>Is the rule still necessary?</i>	Yes

OAR 813-007-0030: Annual Registration Notification Reminders and Confirmation	
<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 by establishing the program and guidelines through which manufactured dwelling parks follow.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal, while there was no actual fiscal impact incurred.
<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 no changes.
<i>Is the rule still necessary?</i>	Yes

OAR 813-007-0035: Deposits to and Uses of Mobile Hoe Parks Account	
<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 by establishing the program and guidelines through which manufactured dwelling parks follow.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal, while there was no actual fiscal impact incurred.
<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 no changes.

2015 5-Year Rule Review

<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	
<i>Is the rule still necessary?</i>	Yes

OAR 813-007-0040: Manufactured Dwelling Park Continuing Education 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 by establishing the program and guidelines through which manufactured dwelling parks follow.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal, while there was no actual fiscal impact incurred.
<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 few changes.
<i>Is the rule still necessary?</i>	Yes

OAR 813-007-0045: Continuing Education Notification Reminders

<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 by establishing the program and guidelines through which manufactured dwelling parks follow.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal, while there was no actual fiscal impact incurred.
<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 no changes.
<i>Is the rule still necessary?</i>	Yes

OAR 813-007-0050: Approval of Statewide Nonprofit Trade Association Trainers

<i>Based on the need for the rule identified on the notice of</i>	The rule met the intended effect by establishing the program and guidelines through which manufactured
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<i>rulemaking, how did the rule meet or fail to meet its intended effect?</i>	dwelling parks follow.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal, while there was no actual fiscal impact incurred.
<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 no changes.
<i>Is the rule still necessary?</i>	Yes

OAR 813-007-0055: Civil Penalty Assessment for Noncompliance	
<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 by establishing the program and guidelines through which manufactured dwelling parks follow.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal, while there was no actual fiscal impact incurred.
<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 repealed.
<i>Is the rule still necessary?</i>	No

OAR 813-007-0060: Schedule of penalties for Noncompliance	
<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 by establishing the program and guidelines through which manufactured dwelling parks follow.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal, while there was no actual fiscal impact incurred.
<i>What Legislative events or agency activities, if any, have been identified that require the agency to</i>	This rule has been repealed.

2015 5-Year Rule Review

<i>amend or repeal the rule?</i>	
<i>Is the rule still necessary?</i>	No

OAR 813-007-0065: Liens for Noncompliance	
<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 by establishing the program and guidelines through which manufactured dwelling parks follow.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal, while there was no actual fiscal impact incurred.
<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 no changes.
<i>Is the rule still necessary?</i>	Yes

OAR 813-007-0070: Waiver	
<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 by establishing the program and guidelines through which manufactured dwelling parks follow.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal, while there was no actual fiscal impact incurred.
<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 no changes.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 41 (Farmworker Housing Tax Credit Program):

Rules Adopted: 813-041-0027

Date Adopted (Filing No.): 6-10-2010 (OHCS 6-2010)

Rule Advisory Committee Used: No

If not, please explain: The intended effect of the rule was positive.

OAR 813-041-0027: Charges	
<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 by establishing charges for the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was minimal anticipated fiscal impact, which remained the same for the actual.
<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 few amendments to the rule since inception.
<i>Is the rule still necessary?</i>	No

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

Division No. 27 (Manufactured Dwelling Parks Preservation Fund Program):

Rules Adopted: 813-027-0001; 813-027-0010; 813-027-0020; 813-027-0030; 813-027-0040;
813-027-0050; 813-027-0060; 813-027-0070; 813-027-0080; 813-027-0090

Date Adopted (Filing No.): 8-23-2010 (OHCS 10-2010)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-027-0001: 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>	The rule met its intended effect by establishing this program and regulations for the Manufactured Dwelling Parks Preservation Fund 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 the only actual costs were those incurred by the department.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-027-0010: 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 its intended effect by establishing this program and regulations for the Manufactured Dwelling Parks Preservation Fund 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 the only actual costs were those incurred by the department.

2015 5-Year Rule Review

<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-027-0020: Eligibility for Moneys from Fund	
<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 its intended effect by establishing this program and regulations for the Manufactured Dwelling Parks Preservation Fund 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 the only actual costs were those incurred by the department.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-027-0030: Application for 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>	The rule met its intended effect by establishing this program and regulations for the Manufactured Dwelling Parks Preservation Fund 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 the only actual costs were those incurred by the department.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-027-0040: Criteria for Funding	
<i>Based on the need for the rule</i>	The rule met its intended effect by establishing this

2015 5-Year Rule Review

<i>identified on the notice of rulemaking, how did the rule meet or fail to meet its intended effect?</i>	program and regulations for the Manufactured Dwelling Parks Preservation Fund 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 the only actual costs were those incurred by the department.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-027-0050: Application Review	
<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 its intended effect by establishing this program and regulations for the Manufactured Dwelling Parks Preservation Fund 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 the only actual costs were those incurred by the department.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-027-0060: Charges	
<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 its intended effect by establishing this program and regulations for the Manufactured Dwelling Parks Preservation Fund 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 the only actual costs were those incurred by the department.
<i>What Legislative events or agency activities, if any, have been</i>	There have been no activities.

2015 5-Year Rule Review

<i>identified that require the agency to amend or repeal the rule?</i>	
<i>Is the rule still necessary?</i>	Yes

OAR 813-027-0070: General Administrative and Monitoring 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 its intended effect by establishing this program and regulations for the Manufactured Dwelling Parks Preservation Fund 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 the only actual costs were those incurred by the department.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-027-0080: Noncompliance	
<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 its intended effect by establishing this program and regulations for the Manufactured Dwelling Parks Preservation Fund 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 the only actual costs were those incurred by the department.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

OAR 813-027-0090: Waiver	
<i>Based on the need for the rule identified on the notice of rulemaking, how did the rule meet</i>	The rule met its intended effect by establishing this program and regulations for the Manufactured Dwelling Parks Preservation Fund Program.

2015 5-Year Rule Review

<i>or fail to meet its intended effect?</i>	
<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 the only actual costs were those incurred by the department.
<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 no activities.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 28 (Housing Preservation Fund Program):

Rules Adopted: 813-028-0001; 813-028-0010; 813-028-0020; 813-028-0030; 813-028-0040;
813-028-0050; 813-028-0060; 813-028-0070; 813-028-0080; 813-028-0090

Date Adopted (Filing No.): 8-23-2010 (OHCS 11-2010)

Rule Advisory Committee Used: No

If not, please explain: The rules were expected to have only positive impact for both eligible participants and individuals living in the properties.

OAR 813-028-0001: 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>	The rule met the intended effect by establishing the program and regulations related to the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal for the operation of the program. The actual remained 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 has been no activity.
<i>Is the rule still necessary?</i>	Yes

OAR 813-028-0010: 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 by establishing the program and regulations related to the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	The anticipated fiscal impact was minimal for the operation of the program. The actual remained the same.

2015 5-Year Rule Review

<i>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>	There has been no activity.
<i>Is the rule still necessary?</i>	Yes

OAR 813-028-0020: Eligibility for Moneys from fund	
<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 by establishing the program and regulations related to the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal for the operation of the program. The actual remained 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 has been no activity.
<i>Is the rule still necessary?</i>	Yes

OAR 813-028-0030: Application Procedure and 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 by establishing the program and regulations related to the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal for the operation of the program. The actual remained 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 has been no activity.
<i>Is the rule still necessary?</i>	Yes

OAR 813-028-0040: Criteria for Funding

2015 5-Year Rule Review

<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 by establishing the program and regulations related to the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal for the operation of the program. The actual remained 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 has been no activity.
<i>Is the rule still necessary?</i>	Yes

OAR 813-028-0050: Application Review	
<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 by establishing the program and regulations related to the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal for the operation of the program. The actual remained 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 has been no activity.
<i>Is the rule still necessary?</i>	Yes

OAR 813-028-0060: Charges	
<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 by establishing the program and regulations related to the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal for the operation of the program. The actual remained the same.
<i>What Legislative events or agency</i>	There has been no activity.

2015 5-Year Rule Review

<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	
<i>Is the rule still necessary?</i>	Yes

OAR 813-028-0070: General Administrative and Monitoring 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 by establishing the program and regulations related to the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal for the operation of the program. The actual remained 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 has been no activity.
<i>Is the rule still necessary?</i>	Yes

OAR 813-028-0080: Noncompliance

<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 by establishing the program and regulations related to the program.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal for the operation of the program. The actual remained 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 has been no activity.
<i>Is the rule still necessary?</i>	Yes

OAR 813-028-0090: Waiver

<i>Based on the need for the rule identified on the notice of</i>	The rule met the intended effect by establishing the program and regulations related to the program.
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2015 5-Year Rule Review

<i>rulemaking, how did the rule meet or fail to meet its intended effect?</i>	
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	The anticipated fiscal impact was minimal for the operation of the program. The actual remained 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 has been no activity.
<i>Is the rule still necessary?</i>	Yes



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725 SUMMER STREET NE, SUITE B | SALEM, OR 97301
503-986-2000 | www.oregon.gov/OHCS

**Report to the Secretary of State: 5-Year Rule Review
(January 2011 – December 2011)**

March 10, 2021

Compiled for February 1, 2017

[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 2011 Calendar Year. A copy of this report shall be made available by Nicole Stingh (Nicole.Stingh@oregon.gov).

January 1, 2011 – December 31, 2011

OHCS adopted a total of 12 rules.

These rulemakings impacted four (4) divisions and programs.

- Descriptive and Procedural Rules (Division 1)
- Designation and Responsibilities of Community Action Agencies (Division 230)
- Manufactured Dwelling Park Registration and Education (Division 7)
- Manufactured Dwelling Parks and Marinas; Manufactured Dwelling Park Closure; Marina Closure (Division 65)

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

Division No. 230 (Designation and Responsibilities of Community Action Agencies):

Rules Adopted: 813-230-0007

Date Adopted (Filing No.): 2-7-2011 (OHCS 1-2011)

Rule Advisory Committee Used: No

If not, please explain: There was no expected fiscal impact.

OAR 813-230-0007: Initial 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 met the intended purpose by establishing the eligibility requirements for this division.
<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 continues to be none.
<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 few amendments to this rule.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 7 (Manufactured Dwelling Park Registration and Education):

Rules Adopted: 813-007-0057

Date Adopted (Filing No.): 3-21-2011 (OHCS 5-2011)

Rule Advisory Committee Used: Yes

If not, please explain: N/A

OAR 813-007-0057: Civil Penalty Schedule	
<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 by establishing civil penalties.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual fiscal impact?</i>	There was minimal anticipated fiscal impact and the actual was 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 has been no activity.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 1 (Descriptive and Procedural Rules):

Rules Adopted: 813-001-0060

Date Adopted (Filing No.): 5-25-2011 (OHCS 6-2011)

Rule Advisory Committee Used: No

If not, please explain: There was no expected fiscal impact.

OAR 813-001-0060: Lay Representative, Contested Cases Involving Civil Penalty	
<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 intended purpose by establishing a lay representative rule.
<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 continues to be none.
<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 few amendments to this rule.
<i>Is the rule still necessary?</i>	Yes

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

Division No. 65 (Manufactured Dwelling Parks and Marinas; Manufactured Dwelling Park Closure; Marina Closure):

Rules Adopted: 813-065-0120; 813-065-0130; 813-065-0140; 813-065-0150; 813-065-0200; 813-065-0210; 83-065-0220; 813-065-0230; 813-065-0240

Date Adopted (Filing No.): 8-26-2011 (OHCS 7-2011)

Rule Advisory Committee Used: No

If not, please explain: There was minimal fiscal impact expected.

OAR 813-065-0120: Park Closure Notice When Closure is Required by Eminent Domain or Government Order	
<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 by establishing the program and its guidelines.
<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 anticipated and there continued to be none.
<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 been no activity.
<i>Is the rule still necessary?</i>	Yes

OAR 813-065-0130: Park Closure Notice When Local Laws are More Stringent	
<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 by establishing the program and its guidelines.
<i>How did the anticipated fiscal impact identified on the notice of rulemaking compare to the actual</i>	There was no fiscal impact anticipated and there continued to be none.

2016 5-Year Rule Review

<i>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>	There has been no activity.
<i>Is the rule still necessary?</i>	Yes

OAR 813-065-0140: Copy of Park Closure Notice to Department; Tenant Contacts	
<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 by establishing the program and its guidelines.
<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 anticipated and there continued to be none.
<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 been no activity.
<i>Is the rule still necessary?</i>	Yes

OAR 813-065-0150: Notice of Tax Credit Eligibility Upon Closure of Park; Sample Form	
<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 by establishing the program and its guidelines.
<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 anticipated and there continued to be none.
<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 been no activity.
<i>Is the rule still necessary?</i>	Yes

OAR 813-065-0200: General Purpose
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2016 5-Year Rule Review

<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 by establishing the program and its guidelines.
<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 anticipated and there continued to be none.
<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 been no activity.
<i>Is the rule still necessary?</i>	Yes

OAR 813-065-0210: Closure Notice of Marina	
<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 by establishing the program and its guidelines.
<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 anticipated and there continued to be none.
<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 been no activity.
<i>Is the rule still necessary?</i>	Yes

OAR 813-065-0220: Alternate Marina Space	
<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 by establishing the program and its guidelines.
<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 anticipated and there continued to be none.
<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 been no activity.

2016 5-Year Rule Review

<i>activities, if any, have been identified that require the agency to amend or repeal the rule?</i>	
<i>Is the rule still necessary?</i>	Yes

OAR 813-065-0230: Moving and Set Up Expenses

<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 by establishing the program and its guidelines.
<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 anticipated and there continued to be none.
<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 been no activity.
<i>Is the rule still necessary?</i>	Yes

OAR 813-065-0240: Payment of Expenses

<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 by establishing the program and its guidelines.
<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 anticipated and there continued to be none.
<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 been no activity.
<i>Is the rule still necessary?</i>	Yes



**OREGON HOUSING *and*
COMMUNITY SERVICES**

725 SUMMER STREET NE, SUITE B | SALEM, OR 97301
503-986-2000 | www.oregon.gov/OHCS

**Report to the Secretary of State: 5-Year Rule Review
(January 2012 – December 2012)**

March 10, 2021

Compiled for February 1, 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 2012 Calendar Year. A copy of this report shall be made available by Nicole Stingh (Nicole.Stingh@oregon.gov).

January 1, 2012 – December 31, 2012

OHCS adopted a total of 1 rule.

These rulemakings impacted one (1) division and program.

- Home Ownership Assistance Program of the Oregon Housing Fund (Division 44)

Table of Contents:

Division No. 44 (Home Ownership Assistance Program of the Oregon Housing Fund): 3

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

Division No. 44 (Home Ownership Assistance Program of the Oregon Housing Fund):

Rules Adopted: 813-044-0055

Date Adopted (Filing No.): 3-27-2012 (OHCS 2-2012)

Rule Advisory Committee Used: No

If not, please explain: The rule established more procedural definitions and did not anticipate any fiscal changes.

OAR 813-044-0055: Use of Grant Funds	
<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 by establishing the program as a grant that could be repaid to OHCS.
<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 there continued to be none.
<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 been one change.
<i>Is the rule still necessary?</i>	Yes

**Oregon Administrative Rule – Chapter 976 (002)
Oregon Wine Country License Plates Matching Grant Program
and Tourism Promotion Distribution**

Agency Rule Review - Executive Summary

Background

The Oregon Legislature created the Oregon Wine Country Registration Plate (ORS 805.266 - 805.274) directing, “the Department of Transportation shall deposit the net proceeds of the surcharge collected by the department [...] into the account of the Oregon Tourism Commission.” And further, “the Oregon Tourism Commission shall distribute the moneys received from the Department of Transportation pursuant to ORS 805.272 as follows:

(a) One half of the moneys shall be distributed as matching grants. The commission shall develop a matching grant program and shall award grants to tourism promotion agencies for tourism promotion of wine and culinary tourism.”

And the statute further directs that,

(b) “One half of the moneys shall be distributed to tourism promotion agencies for the purpose of wine and culinary tourism promotion. The commission shall distribute the moneys in proportion to the amount of acreage in each region used for wine grape production. The commission shall designate a tourism promotion agency for each region.”

Agency Review of Rules

The Oregon Tourism Commission, dba Travel Oregon, adopted OAR Chapter 976 (002) in 2015. In accordance with ORS 183.405, upon reviewing this rule, the agency has concluded the following:

(a) Whether the rule has had the intended effect

Proceeds from sales of Oregon Wine Country Registration Plates averaged \$20,000 per month in 2014 and increased by 50% to an average of more than \$30,000 per month in 2020. Since the collection of funds began in 2012, more than \$2 million dollars have been awarded as either:

- ORS 805.272(a) matching grants for tourism promotion of wine and culinary tourism.
- ORS 805.272(b) through regional tourism promotion agencies for wine and culinary tourism promotion (see eight regional promotions agencies below).

(b) Whether the anticipated fiscal impact of the rule was underestimated or overestimated

As the agency responsible for distributing the funds received from the proceeds of the Oregon Wine Country Registration Plate, the fiscal impact anticipated no significant change in costs or workload associated by this rule – and while there has been additional workload associated with this program as it has grown, the impact has been absorbed by the agency’s existing resources. The agency retains no administrative payment or fee to offset administrative costs relative to this program. All monies distributed from Oregon Department of Transportation to the Oregon Tourism Commission are made available for programs established in Oregon statute.

(c) Whether subsequent changes in the law require that that the rule be repealed or amended

No subsequent changes in the law have been made that require this rule be repealed or amended.

(d) Whether there is continued need for the rule

With no significant increased cost to Travel Oregon and the benefit gained to wine regions across the state through use of Wine Country Plate proceeds, there is continued benefit to carrying out the work identified in OAR Chapter 976 (002).

(e) What impacts the rule has on small businesses

There are no identifiable detriments or burdens on Oregon's small businesses by this rule, only the benefit of increased business due to the promotion of wine and culinary tourism.

Designated Tourism Promotion Agencies

The Oregon Tourism Commission has established following regions and tourism promotion agencies:

Region 1 (Mid-Willamette Valley region): Marion, Polk and Yamhill counties
Tourism Promotion Agency: Travel Salem

Region 2: Lane, Linn, Benton, and Clackamas counties
Tourism Promotion Agency: Willamette Valley Visitors Association

Region 3: Curry, Douglas, Josephine, Jackson, Klamath and Lake counties
Tourism Promotion Agency: Travel Southern Oregon

Region 4: Wasco, Sherman, Gilliam, Morrow, Umatilla, Union, Wallowa, Wheeler, Grant, Harney, Baker and Malheur counties
Tourism Promotion Agency: Eastern Oregon Visitors Association

Region 5: Columbia, Washington and Multnomah counties
Tourism Promotion Agency: Travel Portland

Region 6: Hood River county
Tourism Promotion Agency: Oregon's Mt. Hood Territory

Region 7: Jefferson, Deschutes and Crook counties
Tourism Promotion Agency: Central Oregon Visitors Association

Region 8: Lincoln, Tillamook, Clatsop and Coos counties
Tourism Promotion Agency: Oregon Coast Visitors Association

For more information on grants and tourism promotion efforts supported through money generated by the sale of Oregon Wine Country Registration Plates, please visit the following:

Secretary of State – [Oregon Tourism Commission – Chapter 976](#)

Travel Oregon:

[Oregon Wine Country License Plate – Matching Grant Program](#)

[Oregon Wine Country License Plate – Tourism Promotion Distribution](#)

Oregon Legislative Fiscal Office – [Semi-Independent Annual Report](#)



State of Oregon Department of Environmental Quality

Five Year Rule Review ([ORS 183.405](#))

2022 review of rules adopted in 2017

Contact: [Emil Hnidey](#), Agency Rules Coordinator

The purpose of the review

ORS 183.405 of the Administrative Procedures Act requires agencies to review all newly adopted rules within five years after adopting them. This document meets DEQ's responsibilities under that law.

Legal requirements

The statute requires agencies to review new rules to determine whether:

- The rule had the intended effect
- The agency over- or underestimated the rule's anticipated fiscal impact
- Subsequent changes in the law required the agency to amend or repeal the rule
- There is a continued need for the rule

Agencies are only required to use available information to conduct this review.

If the agency appointed an advisory committee in developing the rule, the agency must provide the committee members a copy of the review.

Exemptions

Rules are exempt from this review if they:

- Consist only of the repeal of or an amendment to an existing rule
- Are adopted to implement court orders or to settle civil proceedings
- Only adopt federal laws or rules by reference
- Implement legislatively approved fee changes
- Only correct omissions or errors

Distribution of the review

DEQ's Agency Rules Coordinator:

- Provides a copy of this review to DEQ's Leadership Team
- Provides a copy of this review to any advisory committee members

- Posts a copy of the review on DEQ’s rulemaking website
- Preserves a copy of the review in DEQ’s electronic rulemaking archives
- Sends a copy to the Oregon Secretary of State

EQC meetings in 2017

On Jan. 18, 2017, the EQC adopted rules subject to review.

Rules subject to this review

Title – Senate Bill 263 Materials Management Rulemaking

Adopted date: 1/18/17

Rule numbers: 340-090-0041, 340-090-0042, 340-090-0068

Reviewer: Abby Boudouris, Cheryl Grabham, Sanne Stienstra

Summary

This rulemaking conformed existing recycling and waste prevention and reduction rules to statutes Senate Bill 263 revised. The adopted rules:

- Revised wastesheds’ recovery goals and clarified those are now voluntary and not enforceable by DEQ
- Described DEQ’s methodology for measuring progress towards Senate Bill 263’s new statewide food waste, plastic, and carpet recovery goals
- Added Senate Bill 263’s four new recycling program elements, increasing to thirteen the options available to local governments. The new program elements are:
 - A commercial recycling program that requires commercial generators of solid waste that generate large amounts of recyclable materials to source-separate recyclable material;
 - A program for monthly or more frequent on-route collection and composting for food and other compostable waste from residential collection service customers;
 - A recovery program for construction and demolition debris; and
 - A food waste collection program that requires nonresidential generators that generate large amounts of food waste to source separate that waste for recovery.
- Amended the expanded education and promotion program element to include a contamination reduction education plan. The plan requires local governments that use this element to also determine contamination levels in collected recyclables and take educational action to reduce contamination.

- Updated minimum numbers of recycling program elements required for certain cities. Senate Bill 263 raised the recycling program element minimums as follows:
 - Cities within the Metro Urban Growth Boundary must increase their recycling program element minimums by three to a minimum of seven or eight;
 - Cities with over 50,000 population and within 150 miles of Portland must increase by two elements to a minimum of six or seven;
 - Cities with over 10,000 people but not more than 50,000 and within 150 miles of Portland must increase by one element to a minimum of either five or six; and
 - Cities with over 4,000 people but not more than 10,000 and within 120 miles of Portland must increase by one element to a minimum of four.
- Added Senate Bill 263’s seven new waste prevention education and reuse program elements and require program element minimums ranging from three to five elements, depending, for:
 - Each city within Metro or with a population of more than 50,000 people, each county responsible for the area between the city limits and urban growth boundary of a city with a population above 50,000, and each county responsible for an area outside of city limits within Metro’s urban growth boundary;
 - Each city with a population of more than 10,000 people but no more than 50,000 within a county of more than 100,000; and
 - Each county of more than 100,000 people that is responsible for the area between city limits and the urban growth boundary of a city with a population of more than 10,000 but no more than 50,000.
- Removed DEQ rules’ references to the discontinued Two Percent Recovery Rate Credit programs (“Two Percent Credit Programs”);
- Revised rules allowing local governments to implement alternative programs to meet their minimum recycling requirements and, where applicable, waste prevention and reuse program requirements. The rules allow a local government using a DEQ-approved alternative program the adaptability of meeting either the lesser of its recovery goal or recovery levels comparable to similar communities.
- “Cleaned up” OAR 340-90 to make Division 90 consistent with the Senate Bill 263-based proposed rules.

Did the rule have the intended effect?

Yes. The rules were established to implement legislative goals of reducing the amount of waste generated in Oregon and to reduce contamination in recycling. The rules serve this purpose

through identifying the amounts of waste generated and promoting opportunities to reduce this waste.

Did the agency over- or underestimate the rule’s fiscal impact?

DEQ accurately anticipated the fiscal impact of the rules and has not had to make any adjustment, although the law gives us a mechanism to do an adjustment.

Do subsequent changes in the law require the agency to amend or repeal the rule?

Senate Bill 582 of 2021, the Recycling Modernization Act, repealed ORS 459A.008(2)(e). This law provided statutory authority for OAR 340-090-0041 contamination reduction education plans. No changes in the law require DEQ to amend or repeal OAR 340-090-0042 or OAR 340-090-0068.

Is there a continued need for the rule?

With passage of the Recycling Modernization Act, DEQ is working with stakeholders to update recycling rules. The Act establishes, among other things, the Oregon Recycling System Advisory Council to advise DEQ on steps necessary to enhance Oregon’s recycling system. DEQ is establishing rule advisory committees and technical work groups to assist in updating existing recycling rules and developing new rules.

Alternative formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.



Department of Human Services

Five Year Rule Review

ORS 183.405



Rule Name: IN-HOME SERVICES

Rule Number(s): 411-030-0068

Program Area: Aging and People with Disabilities

Adoption Date: Filed 03-15-20016 (effective 03-18-2016)



Review Due Date:



Review Date:

1-11-2021

Reviewer's Name:

Mat Rapoza



***Advisory Committee Used**

Advisory Committee Not Used

***Committee Members:**

Contact Information:

Ruth Gulyas	rgulyas@leadingageoregon.org
Mark Kinkade	mkinkade@gatewayliving.com
Mat Rapoza	Mathew.g.rapoza@dhsosha.state.or.us
Jane-ellen Weidanz	Jane-Ellen.Weidanz@dhsosha.state.or.us

What was the intended effect of this rule adoption?
411-030-0068 Live-in Services and Shift Services
States eligibility requirements for individuals to receive live-in or shift services

Yes No **Has this rule adoption had its intended effect?**

Yes No **Was the anticipated fiscal impact of this rule underestimated?**

Yes No **Was the anticipated fiscal impact of this rule overestimated?**

Yes No **Have subsequent changes in the law required this rule to be/can be amended or repealed?**
APD 12-2016 (t) filed 06-27-2016; effective 07-01-2016 thru 12-27-2016
APD 44-2016 perm filed 12-20-2016; effective 12-28-2016
APD 18-2017 (t) filed 08-01-2017; effective 08-01-2017 thru 01-27-2018
APD 21-2017 (t) amend filed 09-29-2017; effective 10-01-2017 thru 01-27-2018
APD 3-2018 perm filed 01-27-2018; effective 01-28-2018
APD 3-2020 (t) filed 02-21-2020; effective 02-21-2020
APD 32-2020 perm filed 07-23-2020; effective 08-01-2020

Yes No **Is there a continued need for this rule?**

Additional Comments:

***Date report sent to advisory committee members: _____**

Report approved by:

 Recoverable Signature

X Mat Rapoza

Mat Rapoza
Medicaid Services and Supports Manager
Signed by: mathew.g.rapoza@dhsosha.state.or.us

Mat Rapoza

Printed name

Signature

1/11/21

Date

**DEPARTMENT OF HUMAN SERVICES
AGING AND PEOPLE WITH DISABILITIES
OREGON ADMINISTRATIVE RULES**

**CHAPTER 411
DIVISION 30**

IN-HOME SERVICES

411-030-0068 Live-in Services and Shift Services

(Adopted 03/18/2016)

(1) Individuals with service plans that meet the definition of live-in services or shift services must meet subsections (a) and either (b) or (c) of this section of the rule.

(a) The provision of assistance with at least one ADL or IADL task must be required sometime during each hour the individual is awake in order to ensure the safety and well-being of the individual.

(b) The individual is assessed as full assist in mobility or elimination as defined in OAR 411-015-0006, and has at least one of the following conditions:

(A) A debilitating medical condition that includes, but is not limited to, any of the following symptoms:

(i) Cachexia;

(ii) Severe neuropathy;

(iii) Coma;

(iv) Persistent or reoccurring stage 3 or 4 wounds;

(v) Late stage cancer;

(vi) Frequent and unpredictable seizures; or

(vii) Debilitating muscle spasms.

(B) A spinal cord injury or similar disability with permanent impairment.

(C) An acute care or hospice need that is expected to last no more than six months.

(c) The individual is assessed as full assist in cognition as defined in OAR 411-015-0006 and meets all of the following criteria:

(A) A diagnosis of traumatic brain injury, dementia or a related disorder, or a debilitating mental health disorder that meets the criteria described in OAR 411-015-0015(2); and

(B) Has one of the following assessed needs as defined in OAR 411-015-0006:

(i) Full assist in danger to self or others.

(ii) Full assist in wandering.

(iii) Full assist in awareness.

(iv) Full assist in judgment.

(2) The following limitations apply:

(a) A homecare worker providing live-in services must be available to address the service needs of an eligible individual as they arise throughout an entire 24-hour period. A homecare worker is not providing live-in services if the homecare worker is outside the individual's home or building during the homecare worker's on-duty hours and the homecare worker engages in activities that are unrelated to the provision of the individual's ADL or IADL services and supports. A homecare worker is not providing live-in services if they are offsite and are not performing direct ADL or IADL services.

(b) Hourly services by another homecare worker or contracted in-home agency may be authorized in addition to live-in services for any task that requires more than one homecare worker to simultaneously perform the task, or to allow a live-in homecare worker to sleep for at least five continuous hours during a 24-hour work period.

(c) A homecare worker who is providing live-in services for an individual may not also provide hourly services for the same individual.

(3) Individuals with assessments that were created prior to August 31, 2015 may continue receiving live-in services or shift services until one of the following occurs:

(a) The individual moves from an in-home setting that does not meet the requirements of OAR 411-030-0033 for more than 30 days and later moves to an in-home setting that meets the requirements of OAR 411-030-0033. A new assessment and service plan must be completed to evaluate and determine if the individual meets the criteria described in section (1) of this rule.

(b) The individual ends his or her live-in services or shift services for more than 30 days. A new assessment must be completed to evaluate and determine if the individual meets the criteria described in section (1) of this rule.

(c) A reassessment is created on or after August 31, 2015 that requires a new service plan

(4) If the individual chooses to receive live-in or shift services, and the individual resides in an in-home setting that meets the requirements of OAR 411-030-0033 on or after August 31, 2015, a reassessment must be completed to evaluate and determine if the individual meets the criteria described in section (1) of this rule.

(5) Individuals who currently receive live-in services for at least four days a week, or are receiving hours under live-in services in the Independent Choices Program, and who have been determined not to meet the criteria for live-in services per section (1) of this rule after an assessment created on or after August 31, 2015, may be granted an exception by central office under the following circumstances:

(a) The individual must be eligible for 159 hours of live-in services on the most recent assessment prior to August 31, 2015, and be assessed as meeting one of the following as defined in OAR 415-015-0006:

(A) Full assist in mobility and at least a substantial assist in ambulation or an assist in transfers.

(B) Full assist in cognition.

(C) Full assist in at least two ADLs under elimination.

(b) Exceptions granted under subsection (a) of this rule must end when the identified homecare worker per subsection (a) of this rule or the primary provider under the Independent Choices Program is no longer employed by the individual.

(6) An exception may be granted by central office to authorize a live-in plan if an individual does not meet section (1) of this rule to meet the exceptional needs of the individual as defined by the Department.

Stat. Auth.: ORS 409.050, 410.070, 410.090

Stats. Implemented: ORS 410.010, 410.020, 410.070



Department of Human Services

Five Year Rule Review

ORS 183.405



Rule Name: HOMECARE CHOICE PROGRAM

Rule Number(s): 418-040-0000; 418-040-0010; 418-040-0020; 418-040-0030; 418-040-0040; 418-040-0050; 418-040-0060; 418-040-0070; 418-040-0080; 418-040-0090

Program Area: Oregon Home Care Commission (OHCC)

Adoption Date: 06-13-2016 (effective 06-20-2016)



Review Due Date:
06-13-2021



Review Date:
5-3-2021

Reviewer's Name:
Jenny Cokeley



- *Advisory Committee Used
- Advisory Committee Not Used

***Committee Members:**

Contact Information:

Kevin Call	kcall@adeohomecare.com
Gwen Dayton	gdayton@ohca.com
Ruth Gulyas	rgulyas@leadingageoregon.org
Ray Hobizal	Ray.Hobizal@ah.org
Mark King	Seahawkfan001@comcast.net
Kyndall Mason	masonk@seiu503.org
Cheryl Miller	Cheryl.m.miller@state.or.us
Ray Miller	Raymond.miller@state.or.us
Melinda Reed	melinda@noworriescare.com
Jill Rosenberg	jillberg@msn.com
Sanya Rusnyk	Sanya.m.rusnyk@state.or.us
Kath Schonau	kath@awhh.org
Lori Sensenbach	Lori.sensenbach@HomeInstead.com
Jenny Cokeley	Jenny.E.Cokeley@state.or.us
John Bartholomew	jbartholomew@aarp.org
Jess Cline	Jess.m.cline@dhsaha.state.or.us
Katie Coombes	coombesk@seiu503.org
Jamie Daignault	Jaime.DAIGNAULT@dhsaha.state.or.us
Beth Englander	benglander@oregonlawcenter.org

Barry Fox-Quamme	barry@ilr.org
Joe Greenman	greenmanj@danepowell.com
Suzanne Huffman	Suzanne.I.huffman@state.or.us
Bob Joondeph	bob@droregon.org
Gretchen Koch	Gretchen.Koch@state.or.us
Chelas Kronenberg	Chelas.a.kronenberg@state.or.us
Mike McCormick	Mike.R.McCormick@dhsoha.state.or.us
Sarah Myers	smyers@oahc.org
Sarah Jane Owens	sjowens@aocmhp.org
Mat Rapoza	Mathew.g.rapoza@dhsoha.state.or.us
Chuck Richards	Gm262salem@outlook.com
Katie Rose	Katie.Rose@thementornetwork.com
Sherry Stock	sherry@biaoregon.org
Judy Strand	judys@metfamily.org
Sheila Thomas	sthomas@lilaoregon.org
Tina Treasure	Tina.m.treasure@state.or.us
Ted Wenk	ted@droregon.org

What was the intended effect of this rule adoption?

418-040-0000 Purpose

States the purpose for the rule division

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Has this rule adoption had its intended effect? Yes. The program was implemented and successfully enrolled participants and providers.
--	--

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule underestimated?
--	---

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule overestimated?
--	--

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Have subsequent changes in the law required this rule to be/can be amended or repealed?
--	--

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Is there a continued need for this rule? Yes. The program remains in Oregon Revised Statute.
--	--

What was the intended effect of this rule adoption?

418-040-0010 Definitions

Establishes definitions for the rule division

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Has this rule adoption had its intended effect? Yes. Definitions were the foundation of the program.
--	--

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule underestimated?
--	---

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule overestimated?
--	--

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Have subsequent changes in the law required this rule to be/can be amended or repealed?
--	--

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Is there a continued need for this rule? Yes. The program remains in Oregon Revised Statute.
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What was the intended effect of this rule adoption?

418-040-0020 Participant Eligibility
States participant eligibility requirements

Yes **Has this rule adoption had its intended effect?**

No Yes. Participants were successfully enrolled in the program.

Yes **Was the anticipated fiscal impact of this rule underestimated?**

No

Yes **Was the anticipated fiscal impact of this rule overestimated?**

No

Yes **Have subsequent changes in the law required this rule to be/can be amended or repealed?**

No

Yes **Is there a continued need for this rule?**

No Yes. The program remains in Oregon Revised Statute.

What was the intended effect of this rule adoption?

418-040-0030 Services
States which services are available and not available through the Homecare Choice Program based on the participant's self-assessment

Yes **Has this rule adoption had its intended effect?**

No Yes. Participants were successfully enrolled in the program and received services outlined in this rule.

Yes **Was the anticipated fiscal impact of this rule underestimated?**

No

Yes **Was the anticipated fiscal impact of this rule overestimated?**

No

Yes **Have subsequent changes in the law required this rule to be/can be amended or repealed?**

No

Yes **Is there a continued need for this rule?**

No Yes. The program remains in Oregon Revised Statute.

What was the intended effect of this rule adoption?

418-040-0040 Provider Qualifications

States provider enrollment requirements

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Has this rule adoption had its intended effect? Yes. Providers were successfully enrolled in the program and provided services to participants.
--	---

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule underestimated?
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<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule overestimated?
--	--

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Have subsequent changes in the law required this rule to be/can be amended or repealed?
--	--

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Is there a continued need for this rule? Yes. The program remains in Oregon Revised Statute.
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What was the intended effect of this rule adoption?

418-040-0050 Participant and Provider Employment Relationship

States requirements for the participant and provider employment relationship

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Has this rule adoption had its intended effect? Yes. Participants and providers established employment relationships.
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<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule underestimated?
--	---

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule overestimated?
--	--

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Have subsequent changes in the law required this rule to be/can be amended or repealed?
--	--

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Is there a continued need for this rule? Yes. The program remains in Oregon Revised Statute.
--	--

What was the intended effect of this rule adoption?

418-040-0060 Homecare Choice Program Service Rate

Establishes the service rate charge to the program participants and states the revenue must cover the cost of the program

- Yes
- No

Has this rule adoption had its intended effect?

Yes. The service rate equals 107 percent of the costs associated with the program.

- Yes
- No

Was the anticipated fiscal impact of this rule underestimated?

- Yes
- No

Was the anticipated fiscal impact of this rule overestimated?

- Yes
- No

Have subsequent changes in the law required this rule to be/can be amended or repealed?

- Yes
- No

Is there a continued need for this rule?

Yes. The program remains in Oregon Revised Statute.

What was the intended effect of this rule adoption?

418-040-0070 Suspension or Reduction of Homecare Choice Program Referrals

States when the commission may suspend or reduce the number of provider referrals under the Homecare Choice Program

- Yes
- No

Has this rule adoption had its intended effect?

Yes. The program was suspended but can be reinstated at a future date as the program remains in Oregon Revised Statute.

- Yes
- No

Was the anticipated fiscal impact of this rule underestimated?

The revenue for the program was based on potential participant enrollment in the program, which was an estimate at the time legislation was passed. Enrollment was lower than estimated.

- Yes
- No

Was the anticipated fiscal impact of this rule overestimated?

- Yes
- No

Have subsequent changes in the law required this rule to be/can be amended or repealed?

- Yes
- No

Is there a continued need for this rule?

Yes. The program remains in Oregon Revised Statute.

What was the intended effect of this rule adoption?

418-040-0080 Fiscal Responsibilities

States the fiscal responsibilities of the Commission, participants and Homecare Choice providers

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Has this rule adoption had its intended effect? Yes. The Commission, participants, and providers fulfilled their fiscal responsibilities.
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<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule underestimated?
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<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule overestimated?
--	--

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Have subsequent changes in the law required this rule to be/can be amended or repealed?
--	--

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Is there a continued need for this rule? Yes. The program remains in Oregon Revised Statute.
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What was the intended effect of this rule adoption?

411-040-0090 Provider Termination, Administrative Review, and Hearing Rights

States when a Homecare Choice provider may be terminated and outlines the appeals process

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Has this rule adoption had its intended effect? Yes. The rule outlined the reasons for provider termination and due process.
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<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule underestimated?
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<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Was the anticipated fiscal impact of this rule overestimated?
--	--

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Have subsequent changes in the law required this rule to be/can be amended or repealed?
--	--

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Is there a continued need for this rule? Yes. The program remains in Oregon Revised Statute.
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Additional Comments:

***Date report sent to advisory committee members:** 5-27-2021

Report approved by:

Cheryl Miller
Printed name

Cheryl Miller
Signature

05/26/2021
Date

**OREGON HOME CARE COMMISSION
OREGON ADMINISTRATIVE RULES**

**CHAPTER 418
DIVISION 40**

HEMOCARE CHOICE PROGRAM

418-040-0000 Purpose

The rules in OAR chapter 418, division 40 establish the rules for the Homecare Choice Program administered by the Oregon Home Care Commission. The purpose of the program is to provide private pay individuals with access to the Commission's statewide Registry to hire employees to provide in-home services and to assist participants in meeting the legal responsibilities of being a household employer.

Stat. Auth.: ORS 410.602

Stats. Implemented: ORS 410.595-410.625

418-040-0010 Definitions

(1) "Abuse" means "abuse" as defined in OAR 407-045-0260, OAR 411-020-0002, OAR 413-015-0115, and OAR 943-045-0250.

(2) "Active" means a homecare or personal support worker has a current provider number and has worked and been paid with public funds in any of the past 12 months as a homecare or personal support worker.

(3) "Activities of Daily Living (ADLs)" means daily self-care activities such as eating and feeding, dressing, grooming, bathing, personal hygiene, mobility and movement, toileting and elimination, cognitive and emotional support, and communication.

(4) "Background Check" means a criminal records and abuse check conducted in accordance with OAR chapter 407, division 007.

(5) "Chargeback" means a reversal of a credit card charge after an individual successfully disputes a program charge on his or her credit card.

(6) "Commission" means the Oregon Home Care Commission established and operated pursuant to Article XV, Section 11, of the Oregon Constitution and ORS 410.595 to 410.625.

(7) "Communication" means assistance that enables an individual to communicate with another person.

(8) "Companionship" means engaging a participant in social, physical, and mental activities and includes, but is not limited to, conversation, reading, games, hobbies, crafts, and accompanying the participant during social activities and outings. Companionship also means being present to monitor safety and well-being or to protect an individual who requires assistance in caring for him or herself.

(9) "Continuing Education" means specific minimum education requirements defined by the Commission.

(10) "Credit Card Refund" means a refund of an unused account balance that is credited to the same credit card that originated the payment.

(11) "Department" means the Department of Human Services (DHS).

(12) "Enrollment Agreement" means the program-specific document an individual must complete to be approved to participate in the Homecare Choice Program.

(13) "FICA" is the acronym for the Social Security payroll taxes collected under authority of the Federal Insurance Contributions Act.

(14) "Fiscal Improprieties" means a provider committed financial misconduct involving a participant's money, property, or benefits. Fiscal improprieties include, but are not limited to:

(a) Financial exploitation, as defined in OAR 407-045-0260 and OAR 411-020-0002;

(b) Borrowing money from the participant;

(c) Taking a participant's property or money;

(d) Having a participant purchase items for the provider;

- (e) Forging a participant's signature;
- (f) Falsifying payment records;
- (g) Claiming payment for hours not worked; or
- (h) Other similar acts intentionally committed for financial gain.

(15) "Fiscal Intermediary" means an entity that provides fiscal intermediary services that support all programmatic, policy, and financial aspects of the Homecare Choice Program. Fiscal Intermediary services include, but are not limited to, enrollment functions, processing payroll, and paying state and federal taxes on behalf of participants.

(16) "FUTA" is the acronym for Federal Unemployment Tax Assessment, which is a United States payroll (or employment) tax imposed by the federal government on both employees and employers.

(17) "Guardian" means the parent of an individual less than 18 years of age or a person who has been appointed by a court to make personal, health, or other decisions for a functionally incapacitated individual under ORS chapter 125.

(18) "Homecare Choice Provider" means a person who has met the enrollment standards described in OAR 418-040-0040(1)(a)(A) - (N) and is authorized to provide services to program participants.

(19) "Homecare Worker" means a homecare worker as defined in OAR 411-031-0020.

(20) "Imminent Danger" means there is reasonable cause to believe an individual's life or physical, emotional, or financial well-being is in danger if an intervention is not immediately initiated.

(21) "Individual" means a person enrolled as a participant in the Homecare Choice Program. The term "individual" is synonymous with "consumer-employer" and "participant."

(22) "Instrumental Activities of Daily Living" means self-management activities, other than activities of daily living, required by an individual to live independently at home and includes housekeeping, laundry, meal preparation, shopping and

errands, transportation, medication assistance, medication reminding, assistance with oxygen, and arranging for medical appointments.

(23) "Medication Assistance" means helping a participant with one or more steps in the process of taking medication including, but not limited to, opening medications containers, helping the participant self-administer his or her own medications, and assisting the participant with one or more steps of medication administration at the participant's direction.

(24) "Medication Reminding" means providing a participant with an audio, visual, or verbal reminder to take his or her medications when a participant is able to direct services.

(25) "Non-Sufficient Fund Fee" means the charge an individual pays if a payment check is denied or is unable to be processed by the individual's banking institution due to lack of sufficient funds to pay the check.

(26) "OHA" means the Oregon Health Authority.

(27) "Orientation" means an introduction to the Homecare Choice Program and a review of basic expectations and requirements for Homecare Choice providers.

(28) "Payment Method" means the financial instrument used to pay for services.

(29) "Personal Support Worker" means a personal support worker as defined in OAR 410-172-0190 and OAR 411-375-0010.

(30) "Prepayment" means the advance payment of two weeks of service hours multiplied by the service rate.

(31) "Program" means the Homecare Choice Program governed by these rules and administered by the Oregon Home Care Commission.

(32) "Program Service Rate" means the hourly rate for homecare services established by the Home Care Commission and charged to Homecare Choice Program participants.

(33) "Provider" means Homecare Choice provider as defined in these rules.

(34) "Provider Number" means an identifying number issued to each homecare and personal support worker enrolled as a provider through DHS or OHA.

(35) "Readiness Assessment" means a tool used to evaluate whether a provider can demonstrate understanding of basic skills and processes determined to be foundational concepts needed to work successfully with participants.

(36) "Refund" means a return of the unused balance of a participant's prepayment.

(37) "Registry" means the Commission's online listing of Homecare Choice providers who are available to work.

(38) "Relief Care" means the temporary provision of services with the primary purpose of relieving the individual's caregiver.

(39) "Representative" means a person designated by a participant, or the participant's legal guardian, who is authorized to assist with the program enrollment process, fulfilling consumer-employer responsibilities, and directing homecare services.

(40) "Self-Assessment" means an assessment tool completed by a Homecare Choice Program participant, or the representative of a participant, to evaluate the capacity and willingness of the participant or the participant's representative, to effectively manage and direct homecare services provided to the participant and to fulfill consumer-employer responsibilities. The self-assessment identifies the participant's need for the specific services that are included in the participant's service plan.

(41) "Service Period" means the 14 consecutive days of each provider pay period.

(42) "Service Plan" means a written document that details a participant's self-identified service needs.

(43) "SUTA" is the acronym for State Unemployment Tax Assessment. State unemployment taxes are paid by employers to finance the unemployment benefit system that exists in each state.

(44) "These Rules" mean the rules in OAR chapter 418, division 040.

(45) "Unacceptable Background Check" means a check that produces information related to the person's background that precludes the person from being a provider in the Homecare Choice Program for the following reasons:

(a) The person applying to be a provider has been disqualified under OAR 407-007-0275;

(b) A background check and fitness determination has been conducted resulting in a "denied" status as defined in OAR 407-007-0210; or

(c) A background check and fitness determination has been conducted resulting in an "approved with restrictions" status as defined in OAR 407-007-0210.

(46) "Work week" means the period of time that begins on 12:00 a.m. on Sunday and ends on 11:59 p.m. Saturday.

Stat. Auth.: ORS 410.602

Stats. Implemented: ORS 410.595-410.625

418-040-0020 Participant Eligibility

(1) In order to enroll as a participant in the Homecare Choice Program, an individual, or the individual's representative, must:

(a) Complete a self-assessment developed by the Oregon Home Care Commission.

(b) Enter into a written service plan with a Homecare Choice provider before the commencement of services.

(c) Pay the Commission in advance for services.

(d) Be able to comply with state and federal wage and tax laws and recordkeeping requirements by completing, submitting, and retaining necessary documents provided by the fiscal intermediary contracted by the Commission.

(e) Complete a Homecare Choice Program enrollment agreement.

(f) Provide information, when requested, for workers' compensation claims related to the individual's provider.

(g) Be able and willing to effectively manage and direct homecare services by performing the functions of an employer, including:

(A) Locating, screening, and hiring a qualified provider.

(B) Evaluating whether the provider has the skills and abilities to meet the individual's specific service needs.

(C) Assigning and directing the provider's work.

(D) Supervising and training the provider.

(E) Scheduling the providers' work, leave, and coverage.

(F) Tracking the hours worked and validating the authorized hours were completed by the provider.

(G) Recognizing, discussing, and attempting to correct any performance deficiencies with the provider.

(H) Discharging an unsatisfactory provider.

(2) An individual becomes ineligible to participate in the Homecare Choice Program when:

(a) The individual, or individual's representative, fails to pay for services in advance.

(b) The individual, or the individual's representative, fails to maintain an account balance equal to one service period.

(c) The individual, or the individual's representative, is unable or unwilling to effectively manage and direct homecare services by failing to meet the requirements outlined in OAR 418-040-0020(1)(g)(A) - (H).

(d) The individual, or the individual's representative, is unable or unwilling to comply with state and federal wage and tax laws or recordkeeping requirements by failing to complete, submit, and retain necessary documents provided by a fiscal intermediary contracted with the Oregon Home Care Commission.

(e) Dangerous conditions in the individual's service setting jeopardize the health or safety of the individual or provider, and the individual, or the individual's representative, is unable or unwilling to implement necessary safeguards to minimize the dangers.

(f) Services are not able to be provided safely or adequately by the provider based on:

(A) The extent of the participant's service needs; or

(B) The choices or preferences of the participant or the participant's representative.

(3) Participants determined to be ineligible for continued participation in the Homecare Choice Program will be sent written notice 10 days in advance of the proposed action.

Stat. Auth.: ORS 410.602

Stats. Implemented: ORS 410.595-410.625

418-040-0030 Services

(1) Services available through the Homecare Choice Program are intended to support a participant in the participant's home and in the community. Services are identified by the participant through a self-assessment developed by the Oregon Home Care Commission.

(2) The program is responsible to review the results of an individual's self-assessment with the participant or the participant's representative and provide information about the scope of services offered through the program, the long-term care services and supports not available through the program, and other community resources that are available to individuals seeking long-term care services and supports.

(3) The service plan is determined by the participant based on the participant's self-assessment and the participant or the participant's representative determines the number of purchased service hours per service period.

(4) Services are performed by providers enrolled in the Homecare Choice Program based on the service plan. Providers are selected by the participant from the Oregon Home Care Commission's Registry.

(5) Services available through the Homecare Choice Program include assistance with:

- (a) Activities of Daily Living (ADLs).
- (b) Instrumental Activities of Daily Living (IADLs).
- (c) Pet care.
- (d) Companionship.
- (e) Relief Care.

(6) Assistance with tasks related to the following activities are not available through the Homecare Choice Program:

- (a) Case management. Case management means an ongoing process that includes:
 - (A) Assessing a participant's service needs.
 - (B) Evaluating the options and services required to meet the participant's needs.
 - (C) Developing and implementing a service plan.
 - (D) Coordinating services and referrals.
 - (E) Conducting risk assessments.
 - (F) Monitoring.

(b) Chore services and yard work.

(A) Chore services are services intended to ensure the individual's home is safe and allows for independent living.

(B) Chore services include:

(i) Heavy housecleaning;

(ii) Removal of hazardous debris or dirt from the home or yard;
and

(iii) Moving heavy furniture.

(c) Home adaptations or modifications.

(d) Money management.

(e) Moving.

(f) Medical and nursing services.

(g) Purchasing services and supplies, such as home delivered meals, emergency response systems, adaptive equipment, and personal protective equipment.

Stat. Auth.: ORS 410.602

Stats. Implemented: ORS 410.595-410.625

418-040-0040 Provider Qualifications

(1) Provider Enrollment:

(a) ENROLLMENT STANDARDS. To be enrolled as a provider in the Homecare Choice Program a provider must meet the following standards:

(A) Submit a completed application and provider enrollment agreement to the Oregon Home Care Commission.

- (B) Possess an active, unrestricted homecare or personal support worker provider number issued by DHS or OHA.
- (C) Have completed the background check process described in OAR 407-007-0200 to 407-007-0370 as a homecare or personal support worker with an outcome of approved. A background recheck must occur at least every two years or sooner, if requested.
- (D) Complete Homecare Choice Program orientation.
- (E) Be 18 years of age or older without exception.
- (F) Possess a Social Security Number that matches the individual's legal name, as verified by the Internal Revenue Service or Social Security Administration.
- (G) Be legally eligible to work in the United States.
- (H) Have sufficient communication and language skills to enable him or her to perform duties and interact effectively with participants and Commission staff.
- (I) Be capable of performing essential functions to safely provide necessary services or be capable of learning essential functions to safely provide necessary services, as determined by the individual or his or her representative.
- (J) Immediately report abuse or suspected abuse to DHS.
- (K) Maintain confidentiality and safeguard the participant and the participant's family's information.
- (L) Not be listed on the Health and Human Services, Office of Inspector General or the U.S. General Services Administration's Exclusion lists.
- (M) Complete and pass an on-line readiness assessment. The readiness assessment includes, but is not limited to, concepts on:
 - (i) Effective communication skills;

- (ii) Professional boundaries;
- (iii) Preventing fraud and abuse;
- (iv) Problem solving;
- (v) Universal precautions and disease prevention;
- (vi) Proper body mechanics; and
- (vii) Medication safety.

(b) DENIAL OF PROVIDER ENROLLMENT. The Oregon Home Care Commission may deny an application for provider enrollment in the Homecare Choice Program when:

- (A) The applicant has a history of violating protective service and abuse rules in OAR chapter 407, division 045, OAR chapter 411 Division 020, OAR chapter 413, division 015, or OAR Chapter 943, division 045.
- (B) The applicant has an unacceptable background check.
- (C) The applicant is under 18 years of age.
- (D) The applicant is listed on the Health and Human Services, Office of Inspector General or the U.S. General Services Administration's Exclusion lists.
- (E) The applicant has committed fiscal improprieties.
- (F) The Oregon Home Care Commission has information that enrolling the applicant as a provider may put vulnerable individuals at risk.
- (G) The applicant's Social Security Number does not match the applicant's legal name, as verified by the Internal Revenue Service or Social Security Administration.

(H) The applicant is not capable of performing essential functions to safely provide necessary services or is not capable of learning essential functions to safely provide necessary services.

(I) The applicant does not have sufficient communication and language skill to enable him or her to perform duties and interact effectively with participants and Commission staff.

(J) The applicant does not complete and pass a readiness assessment.

(c) VIOLATIONS RESULTING IN TERMINATION OF PROVIDER ENROLLMENT. The Oregon Home Care Commission may terminate a provider enrolled in the Homecare Choice Program in the following circumstances:

(A) The provider's enrollment as a homecare worker has been terminated based on violations described in OAR 411-031-0050.

(B) The provider's enrollment as a personal support worker has been terminated based on violations described in OAR 410-172-0200 or OAR 411-375-0070.

(C) There is a substantiated complaint against a provider for:

(i) Being impaired by alcohol, inhalants, prescription drugs, or other drugs, including over-the-counter medications, while responsible for the care of a participant, in the participant's home, or transporting the participant; or

(ii) Manufacturing, possessing, selling, offering to sell, trading, or personally using illegal drugs while providing authorized services to a participant or while in the participant's home.

(D) The provider has a founded or substantiated allegation of abuse as described in OAR chapter 407, division 045, OAR chapter 411, division 020, OAR chapter 413, division 015, or OAR chapter 943, division 045.

(E) The provider fails to provide services as required.

(F) The provider lacks the ability or willingness to maintain confidentiality and safeguard the participant and the participant's family's information.

(G) The provider has an unacceptable background check.

(H) The provider has repeatedly demonstrated he or she is unable or unwilling to safely provide necessary services.

(I) The provider has repeatedly engaged in any of the following behaviors:

(i) Unscheduled late arrival to work or absences from work that are unsatisfactory to the participant or neglect the participant's service needs; or

(ii) Inviting unwelcome guests or pets into a participant's home, resulting in dissatisfaction or inattention to the participant's required service needs.

(J) The provider commits fiscal improprieties.

(K) The provider is listed on the Health and Human Services, Office of Inspector General or the U.S. General Services Administration's Exclusion lists.

(L) The provider fails to provide a Social Security Number that matches the provider's legal name, as verified by the Internal Revenue Service or Social Security Administration.

(d) INACTIVATION OF PROVIDER ENROLLMENT. A Homecare Choice provider's enrollment may be inactivated when his or her homecare or personal support worker enrollment has been inactivated for reasons described in OAR chapter 411, division 031 or OAR chapter 411, division 375.

(A) Homecare Choice providers will be notified in writing of the reason for inactivation and the actions required to maintain eligibility as a provider in the Homecare Choice Program.

(B) A Homecare Choice provider who fails to restore his or her homecare or personal support worker enrollment to active status within 30 days of inactivation will not be eligible to participate in the Homecare Choice Program until his or her homecare or personal support worker enrollment is restored to active status.

(2) Registry referrals.

(a) To be available for referral on the Registry, the provider must:

(A) Have an active, unrestricted provider number.

(B) Meet the Commission's annual continuing education requirements as a homecare worker or personal support worker.

(C) Be seeking employment.

(D) Maintain a complete and accurate profile.

(E) Update his or her profile information every 30 days.

(F) Have a valid telephone number.

(G) Have a valid email address.

(H) Authorize the release of contact information to perspective participants.

(b) If a provider does not meet the requirements in subsection (2)(a), the provider will not be eligible for referral on the Registry until the requirements of (2)(a) are met.

(3) A provider is responsible to review qualification requirements and background check due dates and take appropriate action to prevent lapse.

Stat. Auth.: ORS 410.602

Stats. Implemented: ORS 410.595-410.625

418-040-0050 Participant and Provider Employment Relationship

(1) The relationship between a provider and a program participant is that of employee and employer. Participants are required to meet the employer responsibilities described in OAR 418-040-0020(1)(g)(A) - (H).

(2) Homecare Choice providers are not state employees and are not entitled to state funded benefits, including participation in the Public Employees Retirement System or the Oregon Public Service Retirement Plan.

(3) Participants must establish the terms of an employment relationship with a provider at the time of hire.

(a) The terms of employment may include dismissal or resignation notice, work scheduling, absence reporting, and whether sleeping arrangements or meals are provided to employees.

(b) A participant has the right to terminate an employment relationship with a provider at any time and for any reason.

(4) Unless permission has been granted through the court, a participant's legal guardian may not be paid as the individual's Homecare Choice provider and serve as the employer.

Stat. Auth.: ORS 410.602

Stats. Implemented: ORS 410.595-410.625

418-040-0060 Homecare Choice Program Service Rate

(1) The Commission shall establish the service rate charged to program participants for homecare services at a level expected to generate total revenue sufficient to reimburse up to 107 percent of the costs associated with the program. The rate equals the actual costs incurred plus seven percent of the cost of administering the program and may include, but is not limited to:

(a) Homecare Choice Provider wages, taxes, and benefits:

(A) Federal Unemployment Tax Act (FUTA);

(B) State Unemployment Tax Authority (SUTA);

(C) Workers' Compensation Assessment;

(D) Health insurance; and

(E) Paid time off.

(b) Homecare Choice Program staff wages, taxes, and benefits:

(A) Federal Unemployment Tax Act (FUTA);

(B) State Unemployment Tax Authority (SUTA);

(C) Public Employee's Retirement contribution;

(D) Pension bond contribution;

(E) Social security tax;

(F) Workers' compensation assessment;

(G) Mass transit tax; and

(H) Flexible benefits.

(c) Homecare Choice Program service and supply expenses:

(A) Office expenses;

(B) Publicity and publications;

(C) Professional services;

(D) Registry maintenance and expansion;

(E) Legal fees;

(F) Cost allocation fees;

(G) Translation fees;

(H) Americans with Disabilities Act (ADA) accommodation requests;

(I) Credit card processing fees;

(J) Fiscal intermediary administration fees; and

(K) Workers' compensation premiums.

(d) Any other activities undertaken to ensure:

(A) The quality of Homecare Choice providers;

(B) The adequacy of homecare services being provided; and

(C) Costs of other administrative expenses associated with the program are covered.

(2) The service payment rate is set forth in the participant enrollment agreement between the program and participant. Information about the rate shall be available from the Commission and posted online at www.oregon.gov/DHS/Seniors-Disabilities/HCC/Pages/Homecare-Choice-Program.aspx.

(3) If additional revenue is needed to sufficiently cover program costs, the Commission reserves the right to modify the service rate at any time. To modify the service rate, the Commission will give 30-days advance written notice to program participants.

(4) If the Commission determines adjusting the service rate will not generate sufficient revenue to pay the costs of the program, the Commission may suspend the program following 30-days advance written notice to participants and providers. If the program is suspended, the Commission shall report to the Legislative Assembly, no later than 30 days after the suspension begins. The report must include the following information:

(a) The reason for the suspension;

(b) Any costs incurred that exceed the revenue generated by program payments; and

(c) Any additional costs during the remainder of the biennium that the suspension occurs in that are anticipated to exceed the revenue generated by program payments.

Stat. Auth.: ORS 410.602

Stats. Implemented: ORS 410.595-410.625

418-040-0070 Suspension or Reduction of Homecare Choice Program Referrals

If the Commission, with the assistance of DHS, determines the available provider workforce is inadequate to meet the needs of those who qualify for Medicaid funded in-home services, the Commission may suspend or reduce the number of provider referrals under the Homecare Choice Program.

Stat. Auth.: ORS 410.602

Stats. Implemented: ORS 410.595-410.625

418-040-0080 Fiscal Responsibilities

(1) Oregon Home Care Commission Fiscal Responsibilities.

(a) The Commission shall establish the Homecare Choice provider wage rate.

(b) The Commission may contract with a fiscal intermediary for the following responsibilities:

(A) Making payments to Homecare Choice providers on behalf of participants for services rendered. Payment is considered payment in full.

(B) Acting on behalf of participants, by applying applicable Federal Insurance Contributions Act (FICA) regulations, to:

(i) Withhold Homecare Choice provider contributions from payments; and

(ii) Submit participant contributions, and the amounts withheld from provider payments, to the Social Security Administration.

(C) Applying standard income tax withholding practices in accordance with 26 CFR 31 and withholding state and federal income taxes on all payments to Homecare Choice providers.

(c) The Commission will issue a refund of a participant's unused service payment after all expenses of the participant have been paid. The portion of the service payment intended to reimburse the Commission for its costs shall not be refunded.

(A) Refunds may only be issued to the individual who authorized the original payment.

(B) Refunds shall not be issued in cash.

(d) The Commission is not a trustee and has no fiduciary obligation to the participant or payer with respect to advance service payments.

(e) Advance payments may be comingled with other advance payments from participants in the Homecare Choice Program, but will be accounted for separately in the records of the Commission. The participant, or payer, is not entitled to any interest earnings on the funds and no interest will be credited to the participant or payer, or paid in the event of a refund.

(f) The state will honor a garnishment or attachment of the participant's or payer's advance payment in the event it is served with a writ.

(g) If funds are not available to pay a provider because the Commission is required to hold or transfer funds under a legal proceeding involving the participant, or payer, participant's participation in the Homecare Choice program will be terminated as provided for in OAR 418-040-0020.

(2) Homecare Choice Participant Fiscal Responsibilities.

(a) Participants shall pay the Commission in advance for homecare services. Services may not commence until payment is received and verified by the Commission.

(b) Upon enrollment in the program, participants must submit an initial prepayment to cover two service periods. The amount of the prepayment is

calculated by multiplying the program service rate by the number of anticipated service hours for each service period. Thereafter, participants must submit a prepayment equal to the current service period, while enrolled in the program, and maintain an account balance equal to a two-week service period.

(A) If the account balance does not equal an amount necessary to pay the hours to be worked in the current service period, the participant must submit additional funds to restore the balance to the required level.

(B) If the participant increases the number of purchased hours per service period after the initial prepayment is established, the on-going prepayment must also be increased to equal the current service period.

(C) The funds are held for the convenience of the participant or payer.

(D) Advance payments may be considered part of the participant's or payer's estate in the event of a bankruptcy and subject to the automatic stay, or in the event of participant's death, will be refunded to the participant's estate, less any administrative fee due to the Commission.

(c) The participant is subject to the U.S. Department of Labor Fair Labor Standards Act and may elect to have a provider work more than 40 hours per week. The purchase of service hours that exceed 40 hours per week for an individual provider is considered overtime and shall be calculated in the pre-payment.

(A) The overtime rate equals one and one-half of the provider's hourly wage rate plus the increased cost of any payroll taxes as a result of overtime.

(B) In the event of unanticipated overtime, the additional cost will be deducted from the participant's account balance and the account balance must be replenished in the next service payment.

(d) Acceptable payment methods for services include, credit or debit card transactions, personal checks, certified checks, cashier's checks, and money orders.

(A) As allowed by law, the Commission may charge a Non-Sufficient Fund fee if the participant's personal check is not processed by his or her issuing bank due to insufficient funds.

(B) Participants must provide an alternate form of payment method if the credit card used to purchase services is invalid or if a personal check is returned due to insufficient funds.

(C) If a participant challenges program charges on the participant's credit card and the charges are found to be valid after a chargeback investigation, the participant must pay by personal check, cashier's check, or money order for the disputed charges.

(e) Participants must submit payment to the Commission for mileage reimbursement for providers that use his or her personal vehicle for authorized service related transportation.

(A) Providers are reimbursed at the mileage reimbursement rate determined by the participant.

(B) The Commission, participant, and DHS are not responsible for vehicle damage when a provider uses his or her personal motor vehicle.

(C) The Commission, participant, and DHS are not responsible for personal injury sustained when a provider uses his or her personal vehicle, except as may be covered under workers' compensation.

(3) Homecare Choice Provider Fiscal Responsibilities. Homecare Choice providers:

(a) Must comply with state and federal wage and tax laws by completing, submitting, and retaining necessary documents provided by a fiscal intermediary contracted by the Commission.

- (b) Must not accept any additional compensation for hours of work that were compensated by the Homecare Choice Program.
- (c) Must only claim payment for authorized services provided that have been validated by participants with whom they are employed.
- (d) Shall not claim payment for services delivered by another individual.
- (e) Are responsible for the completion and accuracy of timekeeping records and all submitted claims.

Stat. Auth.: ORS 410.602

Stats. Implemented: ORS 410.595-410.625

418-040-0090 Provider Termination and Hearing Rights

(1) The Commission delegates authority to the Executive Director of the Oregon Home Care Commission to act on behalf of the Commission for the purposes of making decisions related to a provider's eligibility to provide services under the Homecare Choice Program. This includes:

- (a) Provider enrollment;
- (b) Denial or revocation of provider enrollment; and
- (c) Provider sanctions, which may include, suspension of Registry referrals.

(2) When a Homecare Choice provider is terminated based on violations described in OAR 418-040-0040(1)(c)(A) - (L), the Commission shall issue a written notice to the provider.

- (a) The written notice must include:
 - (A) The effective date of the termination.
 - (B) An explanation of the reason for terminating the provider enrollment.
 - (C) The alleged violation as listed in OAR 418-040-0040(1)(c)(A) - (L).

(D) The provider's right to a contested case hearing and where to file the hearing request.

(b) For terminations based on substantiated protective services allegations, the notice may only contain the information allowed by law. In accordance with ORS 124.075, 124.085, 124.090, OAR 407-045-0330, OAR 411-020-0030, OAR 413-015-0485, and OAR 943-045-0330, complainants, witnesses, the name of the alleged victim, and protected health information may not be disclosed.

(3) BURDEN OF PROOF. The Commission has the burden of proving the allegations of the complaint by a preponderance of the evidence. Evidence submitted for the administrative hearing is governed by OAR 137-003-0610.

(4) IMMEDIATE TERMINATION. The Commission may immediately terminate a provider's enrollment on the date the violation is discovered, before the outcome of the administrative review, when an alleged violation presents imminent danger to current or future participants. In order for a provider's hearing request to be timely, any hearing request must be filed with the Commission within 10 business days from the date of the notice.

(5) TERMINATIONS PENDING APPEAL. When a violation does not present imminent danger to current or future participants, the provider's enrollment may not be terminated during the first 10 business days after the termination notice. In order for a provider's hearing request to be timely, any hearing request must be filed with the Commission within 10 business days from the date of the notice. If the provider appeals in writing before the deadline for the appeal, the enrollment may not be terminated until the conclusion of the contested case proceeding.

(6) TERMINATION IF NO APPEAL FILED. The decision of the Commission's Executive Director becomes final if the Homecare Choice provider does not appeal within 10 business days from the date of the notice of the decision.

(7) CONTESTED CASE PROCESS. A Homecare Choice provider may request an administrative hearing after the conclusion of the administrative review process if the provider continues to dispute the decision to terminate his or her enrollment in the Homecare Choice Program.

(a) A request for hearing must be filed with the Commission within 10 business days of the date of the written notice from the Commission.

(b) When the Commission or the Department refers a contested case under these rules to the Office of Administrative Hearings, the referral will indicate whether the Commission is authorizing a proposed order, a proposed and final order, or a final order.

(c) Subject to approval of the Attorney General, an officer or employee of the Department or the Commission, is authorized to appear on behalf of the Commission for hearings conducted by the Office of Administrative Hearings related to provider enrollment, denial, or revocation of provider enrollment, and provider sanctions. Contested case hearings and the use of lay representation in contested case hearings related to this rule shall be in accordance with OAR chapter 411, division 001.

(d) No additional hearing rights have been granted to Homecare Choice providers by this rule other than the right to a hearing on the Commission's decision to terminate the individual's provider enrollment.

Stat. Auth.: ORS 410.602

Stats. Implemented: ORS 410.595-410.625



Oregon

Kate Brown, Governor

TEACHER STANDARDS AND PRACTICES COMMISSION

250 Division Street N.E. Salem, OR 97301

Phone: (503) 378.3586

Fax: (503) 378.3758

June 3, 2021

TO: Administrative Rules, Secretary of State
FROM: Teacher Standards and Practices Commission
RE: 2020 Five Year New OAR Review

ORS 183.405 requires state agencies to review new administrative rules after five years and report to the Secretary of State.

Rules Adopted in 2015

Commission Sanction

Letters of Informal Repeal: 584-050-0125

ORS 342.183 permits TSPC to issue letters of informal Repeal as a result of the investigation of a complaint. The rule was adopted in 2015 to implement the statute with more specific regulation about confidentiality, monitoring, and employer notification.

1. Did the rule have the intended effect?
Yes. Letters of Informal Repeal are the most common disciplinary action taken by TSPC and the parameters are clear and well-defined.
2. Was the anticipated fiscal impact underestimated or overestimated?
No; there was no fiscal impact anticipated and none occurred.
3. Did subsequent changes in the law require the rule be repealed or amended?
No.
4. Is there a continued need for the rule?
Yes, the law remains and needs to be implemented with more specific direction.



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250 Division Street N.E. Salem, OR 97301

Phone: (503) 378.3586

Fax: (503) 378.3758

Teacher License Redesign

Teaching Licenses: 584-210-0010, 584-210-0020, 584-210-0030, 584-210-0040, 584-210-0050, 584-210-0060, 584-210-0070, 584-210-0080, 584-210-0090, 584-210-0100, 584-210-0110, 584-210-0120, 584-210-0130, 584-210-0140, 584-210-0150, 584-210-0160, 584-210-0170, 584-210-0180, 584-210-019.

Teaching License Endorsements: 584-220-0010, 584-220-0015, 584-220-0020, 584-220-0025, 584-220-0030, 584-220-0035, 584-220-0040, 584-220-0045, 584-220-0050, 584-220-0055, 584-220-0060, 584-220-0065, 584-220-0070, 584-220-0075, 584-220-0080, 584-220-0085, 584-220-0090, 584-220-0095, 584-220-0100, 584-220-0105, 584-220-0110, 584-220-0120, 584-220-0130, 584-220-0140, 584-220-0145, 584-220-0150, 584-220-0155, 584-220-0160, 584-220-0165, 584-220-0170, 584-220-0175, 584-220-0180, 584-220-0185, 584-220-0190, 584-220-0195, 584-220-0200, 584-220-0205, 584-220-0210, 584-220-0215, 584-220-0220, 584-220-0225, 584-220-0230.

Professional Development: 584-255-0010, 584-255-0020, 584-255-0030.

As a result of the work of stakeholders and commissioners, TSPC finalized the redesign of the teaching license system to simplify educator career paths and make license issuance more efficient. This work has become the foundation of the licensing process in the state and informs every teaching license and endorsement decision.

1. Did the rule have the intended effect?
Yes, the rules simplified the process enough that it enabled electronic licensing, speeding the application process and improving data collection and retention.
2. Was the anticipated fiscal impact underestimated or overestimated?
No; there was no fiscal impact anticipated and none occurred.
3. Did subsequent changes in the law require the rule be repealed or amended?
Yes, most rules have been amended over the years to clarify the requirements or adjust to statutory change.
4. Is there a continued need for the rule?
Yes. Although, some legacy license types may be discontinued at some point, the license redesign is the foundation of the majority of work that TSPC is required by statute to carry out.



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Fax: (503) 378.3758

Rule #	Relating To	Bulletin date	Did the rule have the intended effect?	Was the anticipated fiscal impact under/over estimated?	Did subsequent changes in the law require the rule be repealed or amended?
584-050-0125	Letters of Informal Reproval	3/1/2015	Yes.	N/A	No
584-210-0010	Teacher License Redesign	12/1/2015	Yes.	N/A	No.
584-210-0020	Teacher License Redesign	12/1/2015	Yes.	N/A	No.
584-210-0030	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2017; 4/2018; 2/2019; 11/2020
584-210-0040	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 2/2017; 4/2017; 6/2017; 11/2020
584-210-0050	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 2/2017; 6/2017
584-210-0060	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 2/2017; 11/2020



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584-210-0070	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 2/2017
584-210-0080	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 11/2017
584-210-0090	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2017
584-210-0100	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 2/2017; 11/2017; 2/2019; 11/2020
584-210-0110	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016
584-210-0120	Teacher License Redesign	12/1/2015	Yes.	N/A	None
584-210-0130	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016
584-210-0140	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 6/2017; 11/2020
584-210-0150	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 6/2017; 11/2020
584-210-0160	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 11/2016; 6/2017; 6/2018
584-210-0170	Teacher License Redesign	12/1/2015	Yes.	N/A	None



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Fax: (503) 378.3758

584-210-0180	Teacher License Redesign	12/1/2015	Yes.	N/A	None
584-210-0190	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 11/2017; 4/2018; 6/2018; 2/2019
584-220-0010	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 11/2016; 11/2017
584-220-0015	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 11/2017
584-220-0020	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0025	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0030	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016
584-220-0035	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0040	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0045	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0050	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018



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Fax: (503) 378.3758

584-220-0055	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0060	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016
584-220-0065	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016
584-220-0070	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0075	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016
584-220-0080	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 11/2016; 4/2018
584-220-0085	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0090	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0095	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0100	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0105	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0110	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 11/2016; 4/2018



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584-220-0120	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 6/2017; 4/2018; 12/2018
584-220-0130	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016
584-220-0140	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016
584-220-0145	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016
584-220-0150	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016
584-220-0155	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016
584-220-0160	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0165	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016
584-220-0170	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0175	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0180	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0185	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2017; 2/2019



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Fax: (503) 378.3758

584-220-0190	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016
584-220-0195	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016
584-220-0200	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0205	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0210	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-220-0215	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016
584-220-0220	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 1/2018; 4/2018
584-220-0225	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016
584-220-0230	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 4/2018
584-255-0010	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 6/2017
584-255-0020	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016
584-255-0030	Teacher License Redesign	12/1/2015	Yes.	N/A	Amended 2/2016; 6/2017



Table 2: Temporary Rule Adoptions and Amendments in 2020

TSPC 4-2020	
Date	08/03/2020
Description	The agency adopted a temporary waiver of some license requirements for teacher assignments during the pandemic to provide assignment flexibility while maintaining fidelity to teacher standards.
Action taken	Amended
Rule numbers	584-200-0100
Need Statement	<p>Due to the pandemic, districts need flexibility to staff classes with teachers who are not endorsed for the subject area or holding an LCA. Teachers need support in the mis-assignment. All parties need to know that they will not be penalized for the extraordinary measure.</p> <p>Without these temporary rules, districts would be unable to meet staffing needs for classes or be subject to sanctions for mis-assignment. Teachers could also be penalized if they allowed themselves to be mis-assigned. These staffing decisions are being made now for school opening in August and September. These rules provide guidance to districts and teachers for waivers of license requirements.</p>
Explanation	Temporary rules were indicated, since this was a temporary waiver that needed to be implemented immediately and would not be needed when the pandemic was over. After which, the permanent rules would be reinstated.
TSPC 5-2020	
Date	11/12/2020
Description	Establishes the 2020-2021 Oregon Administrator Scholars Program.
Action taken	Adopted
Rule numbers	584-235-0200, 584-235-0210, 584-235-0220, 584-235-0230
Need Statement	TSPC requires administrative rules to distribute moneys granted for increasing racial, cultural and ethnic diversity of school administrators.
Explanation	<p>These rules provide TSPC guidance to grant the scholarships created by the Student Success Act to create diversity in the workforce. The academic year started months before permanent rules could be promulgated, so immediate rules are needed.</p> <p>Without these rules, TSPC cannot award scholarships and recipients may be prevented from proceeding to licensure, thereby decreasing the potential diversity in Oregon's school administrator workforce. Also, the program was created as a one-time expense lasting only through June 30, 2021, so permanent rules were inappropriate.</p>
TSPC 6-2020	
Date	11/12/2020
Description	Temporary rules establish conditions and manner of License fee reimbursement for diverse education workforce licensees.
Action taken	Adopt
Rule numbers	584-200-0120



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Fax: (503) 378.3758

Need Statement	Administrative rules are needed to disburse the funds the Student Success Act provided for 2020-2021 to mitigate the costs of licensing for a diverse education workforce.
Explanation	Without these rules, these funds cannot be disbursed to mitigate the barriers educators of diverse backgrounds face to be licensed. By lowering barriers, candidates will be encouraged to be licensed and part of Oregon's education workforce, which has a demonstrable benefit to students and staff throughout the preK-12 school system. Moneys are currently limited to the 2020-2021 fiscal year and without immediate implementation, there can be no lowering of barriers, thereby preventing increased workforce diversity and lowering student outcomes.
TSPC 7-2020	
Date	11/16/2020
Description	Temporarily amends the rule on verification of professional development reporting. Allows for random audits of PDU logs of educators who do not have PEER form verification.
Action taken	Amend
Rule numbers	584-255-0030
Need Statement	Third party review of PDU reports is discontinued as of December 1, 2020 and TSPC must adopt a new method of verifying professional development claims from educators.
Explanation	Beginning December 2020, there was no legal process for verification of PDUs for educators who cannot rely on PEER forms, due to the closure of the verification agent. If PDUs are not accepted, licenses cannot be renewed or upgraded, thereby imperiling the employment of educators throughout Oregon. The rules established a legal procedure to process PDUs so licenses can be renewed or upgraded. Permanent rules were considered inappropriate because the impending legislative session had several bills that directly affected this subject and would provide important direction to the Commission.



Department of Consumer and Business Services
Oregon Occupational Safety and Health Division (Oregon OSHA)

Five-year Administrative Rule Review

Rule division name and rule numbers:

Oregon OSHA, Division 2, Sub-Division RR Electrical Power Generation, Transmission, and Distribution

Rule Numbers: 437-002-2300, 437-002-2301, 437-002-2302, 437-002-2303, 437-002-2304, 437-002-2305, 437-002-2306, 437-002-2307, 437-002-2308, 437-002-2309, 437-002-2310, 437-002-2311, 437-002-2312, 437-002-2313, 437-002-2314, 437-002-2315, 437-002-23016, 437-002-2317, 437-002-2318, 437-002-2319, 437-002-2320, 437-002-2321, 437-002-2322, 437-002-2323, 437-002-2324

Date adopted: 10-09-2015

Date reviewed: 7-20-2021

Advisory Committee Used: Yes

An advisory committee was used in this rulemaking that consisted of a variety of local utilities including Oregon's larger utilities Portland General Electric (PGE) and Pacific Power. In addition smaller cooperatives, public utilities, and municipalities actively participated as stakeholders. Several representatives of IBEW provided input from the employee/union perspective. Companies and agencies that support the utility industry such as tree trimmers and the Oregon Public Utility Commission also participated.

1. Did the rule achieve its intended effect? Yes

a. What was the intended effect?

To reduce serious injuries and deaths in the industry due to hazards such as:

- Falls from working at heights such as from utility poles
- Close proximity or contact to high voltage power lines

- Host employers not effectively communicating hazards to contractors who may be unfamiliar with the particular hazards of the host's worksite
- Exposure to arc flash

b. How did the rule succeed or fail in achieving this effect?

Of the many stakeholders who were solicited to provide input for this review, only a few responded. One responder, representing PGE, provided documentation showing a marked decrease in recordable injuries. PGE attributes the success to the implementation of a focused internal effort to improve its safety performance over the last several years, but acknowledges that the new rules that resulted from this rulemaking provided clarity and helped the company pay more attention to the regulations, and improved their understanding of the regulations. Another responder, representing The Oregon Public Utilities Commission, noted a decrease in severe injuries that are required to be reported and attributed it at least, in part, to the rulemaking.

2. Was the fiscal impact statement:

a. What was the estimated fiscal impact?

This rulemaking was conducted as a result of Federal OSHA's promulgation of the rule. As a state plan Oregon OSHA is required to adopt identical or more protective requirements. The fiscal impact statement produced by OSHA was relied on to provide an estimate of Oregon's fiscal impact as the industry's work practices, hazards, etc. are similar nationwide. The fiscal impact can be found in the [Federal Register, April 11th, 2014](#). In that statement, OSHA determined that on average 444 serious injuries and 74 deaths occurred in the power generation, transmission, and distribution industry nationally. It was calculated that if the new rules reduced the injuries and fatalities by ten percent, the benefits would exceed the costs associated with the rule.

b. What was the actual fiscal impact?

It is unknown if the fiscal impact estimates were accurate.

c. If the answer to question 2 is unknown, briefly explain why.

No known analysis has been conducted nationally or at the state level to determine the veracity of the estimated fiscal impact.

3. Have subsequent changes in the law required the rule be repealed or amended?

No

4. Is the rule still needed?

Yes, the rules are still needed. The same dangers that prompted the need for them in the first place remain today, including risk of lethal falls and electrical shock.

5. What impacts has the rule had on small businesses?

Input was solicited for this review at the May 2021 Oregon Utility Safety Committee meeting where many of the stakeholders active in the initial rulemaking attended. No small employers indicated a significant impact (positive or negative).

The department must review each administrative rule not later than five years after its adoption. Under ORS 183.405, the agency must determine:

- (a) Whether the rule has had the intended effect;
- (b) Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- (c) Whether subsequent changes in the law require that the rule be repealed or amended;
- (d) Whether there is continued need for the rule; and
- (e) What impacts the rule has on small businesses.

The department must report its findings to any advisory committee appointed under ORS 183.333, to the Secretary of State, and to the Small Business Advisory Committee.

Landscape Contractors Board
Five-year Administrative Rule Review

Rule division name and rule number:

808-002-0685 – Negligent

Date adopted: August 1, 2017

Date Reviewed: January 20, 2022

Advisory Committee Used: Yes, the Board acts as its own Advisory Committee

1. **Did the rule achieve the intended effect?** Yes
2. **Was the fiscal impact statement:**
 - Underestimated
 - Overestimated
 - Just about right
 - Unknown
3. **Have the rules been repealed or amended?** No
4. **Are the rules still needed?** Yes
The statute that requires these laws is still in effect. The Board uses this definition to review claims and determine negligent work. This definition is still needed.

The agency must review each adopted administrative rule not later than five years after its adoption. Under ORS 183.405, the agency must determine:

- a. Whether the rule has had the intended effect;
- b. Whether the anticipated fiscal impact of the rule was underestimated or overestimated;
- c. Whether subsequent changes in the law require that the rule be repealed or amended;
- d. Whether there is a continued need for the rule.

The agency must report its findings to the Secretary of State and any Advisory Committee appointed under ORS 183.333. This agency has a Board that acts as the Advisory Committee.

The review requirement does not apply to rules adopted to:

- implement court orders or settle civil proceedings;
- adopt federal laws or rules by reference;
- implement legislatively-approved fee changes; or
- correct errors or omissions.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-475-2010

Rule Title: Marijuana Tax: Categorization of Product Types

Date adopted: 6/23/2016

Date of review: 11/2/2021

This report was prepared and approved by the Department of Revenue

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members. [Click or tap here to enter text.](#)

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

To codify the tax categorization of various products sold by marijuana retailers.

b. How did the rule succeed or fail in achieving this effect?

Marijuana retailers know the appropriate tax categorization of various products and how those products should be reported on their quarterly Oregon Marijuana Tax Returns.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

There is no impact to state agencies and a de minimis impact to units of local government and the public. The rule changes are intended to be clarifying or interpretive in nature and do not affect the cost to comply.

b. What was the actual fiscal impact?

There was no fiscal impact to state agencies and a de minimis impact to units of local government and the public.

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:[Click or tap here to enter text.](#)

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain: The legislature changed the product categories listed in ORS 475B.705 in the 2019 legislative session by enacting 2019 Oregon Laws chapter 391 (HB 2098) combining the separate categories of "marijuana leaves" and "marijuana flowers" into one singular "usable marijuana" category.

4. Is the rule still needed?

Yes

No

Explain: Retailers still need guidance on how they should classify marijuana products for the purpose of the Oregon Marijuana Tax Return.

5. What impacts does the rule have on small businesses?

Businesses are required to report the sales of marijuana items to the Department of Revenue via Revenue Online electronic filing. This electronic filing automates much of the return processes from data which can be extracted from the OLCC seed-to-sale tracking system. This rule helps retailers of marijuana items classify their products for tax reporting purposes to allow them to export their data from their point of sale systems and upload it in the return.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-475-2020

Rule Title: Filing Extension for Marijuana Tax Return

Date adopted: 6/23/2016

Date of review: 11/2/2021

This report was prepared and approved by the Department of Revenue

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

Provides guidance for marijuana retailers to request an extension to file a quarterly marijuana tax return and clarifies definition of “good cause” used to consider filing extension requests.

b. How did the rule succeed or fail in achieving this effect?

Marijuana retailers have utilized the “good cause” extension to file quarterly marijuana tax returns when there have been circumstances beyond the control of a retailer that have made timely return filing impossible.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

There was no fiscal impact due anticipated to the implementation of this rule.
Authorities provided for the Oregon Department of Revenue to implement and enforce

the marijuana tax program under ORS 475B.700 to 475B.760 are similar to the income tax withholding program.

b. What was the actual fiscal impact?

There has been no fiscal impact because of this rule.

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain: There will continue to be situations where timely filing of a return is impossible due to situations outside the control of the taxpayer. This rule allows the department to extend the filing date without charging a penalty on a case-by-case basis.

5. What impacts does the rule have on small businesses?

Filing extensions have been granted when retailers make the written request and circumstances beyond their control prevent them from timely filing. This reduces the negative impact of failure to file penalties being assessed when businesses proactively work with the department.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-475-2030

Rule Title: Marijuana Tax: Registration of Marijuana Retailers

Date adopted: 6/23/2016

Date of review: 11/2/2021

This report was prepared and approved by the Department of Revenue.

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

Require marijuana retailers to register with the Oregon Department of Revenue to report and remit marijuana point-of-sale taxes. Clarifies they must provide the OLCC license number with their registrations and either include that number or their DOR issued ID number when making payments.

b. How did the rule succeed or fail in achieving this effect?

There are currently 711 licensed OLCC marijuana retailers who have current registered accounts with the Department of Revenue. The rule ensures that payments these businesses submit are correctly attributed to the correct location through the use of the OLCC license number or their DOR issued ID number which is unique to each location.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

There was no fiscal impact anticipated due to the implementation of this rule. Authorities provided for the Oregon Department of Revenue to implement and enforce the marijuana tax program under ORS 475B.700 to 475B.760 are similar to the income tax withholding program.

b. What was the actual fiscal impact?

There is a de minimis registration requirement to set up an account with the Department of Revenue which can be done electronically or via paper registration form. This form takes less than 15 minutes to complete and does not require special tools or equipment.

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain: Retailers will still need to register with the Department of Revenue in order to create accounts, file returns, and make payments of the marijuana tax.

5. What impacts does the rule have on small businesses?

There is a de minimis impact on small businesses who are required to register for an Oregon Marijuana Tax Account with the Department of Revenue. This process is very similar to the general registration requirement for employment taxes such as income tax withholding, however it is limited to OLCC licensed marijuana retailers.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-475-2040

Rule Title: Liability for Unpaid Marijuana Tax; Warrant for Collection

Date adopted: 6/23/2016

Date of review: 11/2/2021

This report was prepared and approved by the Department of Revenue.

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

Clarify provisions in statute for assessing delinquent marijuana tax against a marijuana retailer and any liable officer, member, or employee of a marijuana retailer or medical marijuana dispensary per statutory authorities. Establishes criteria the department will consider to assess liability against any responsible officer, member, or employee of a marijuana retailer for delinquent marijuana tax.

b. How did the rule succeed or fail in achieving this effect?

If a retailer fails to remit marijuana tax in accordance with OAR 150-475-2010, this rule provides guidance on when the Department will find a responsible individual personally liable for unpaid marijuana tax of the business and the rule provides framework for the Department to consider liability and for responsible individuals to appeal a decision of the department.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

- a. What was the estimated fiscal impact?

There was no fiscal impact anticipated due to the implementation of the rule. Authorities provided for the Oregon Department of Revenue to implement and enforce the marijuana tax program under ORS 475B.700 to 475B.760 are similar to the income tax withholding program.

- b. What was the actual fiscal impact?

There is no direct fiscal impact due to the rule.

- c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain: If an OLCC licensed retailer fails to timely remit payment of the marijuana tax collected from its customers, the Department will still need this rule to provide guidance on when it will find a responsible individual personally liable for unpaid marijuana tax.

5. What impacts does the rule have on small businesses?

No direct impact. The rule operates similarly to the rule that allows the department to find responsible individuals personally liable for unpaid income tax withholding.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-475-2050

Rule Title: Model Recordkeeping and Retention Regulation (Marijuana Tax)

Date adopted: 6/26/2016

Date of review: 11/2/2021

This report was prepared and approved by the Department of Revenue.

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

Clarify provisions in statute for providing guidance for acceptable recordkeeping formats and maintenance of books, papers, accounts, or other information related to marijuana tax and the authority of the department to request books, papers, accounts or other information for audit purposes.

b. How did the rule succeed or fail in achieving this effect?

Ensures OLCC licensed marijuana retailers know which records will be required to be available to the Department of Revenue audit staff in the case of an audit of marijuana tax returns.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

There was no fiscal impact anticipated due to the implementation of this rule. Authorities provided for the Oregon Department of Revenue to implement and enforce the marijuana tax program under ORS 475B.700 to 475B.760 are similar to the income tax withholding program.

b. What was the actual fiscal impact?

There is a fiscal impact to businesses to maintain records to comply with an audit of a marijuana tax return. This impact is mitigated by the various formats which the Department accepts records for the purposes of recordkeeping for marijuana tax return audits. Retailers are required to retain records that substantiate the exemption for sales to Oregon Medical Marijuana Program.

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain: The department continues to audit tax returns of OLCC licensed marijuana retailers. This rule ensures that retailers know what records they are required to retain and the formats in which they may retain them.

5. What impacts does the rule have on small businesses?

The rule requires all OLCC licensed retailers to maintain records necessary to determine the correct marijuana tax liability and retain these records to be made available upon request by DOR. The retailers are required to retain information to demonstrate all tax-exempt sales of marijuana items to Oregon Medical Marijuana Program cardholders.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-475-2060

Rule Title: Refund of Excess Marijuana Tax for Consumers

Date adopted: 7/1/2016

Date of review: 11/2/2021

This report was prepared and approved by the Department of Revenue.

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

Clarify provisions in statute for consumer requests for refund of excess marijuana tax paid at the point-of-sale.

b. How did the rule succeed or fail in achieving this effect?

The rule successfully informs members of the public of the process to request a refund of excess marijuana tax paid to a marijuana retailer. Generally, this would occur if a retailer's Oregon Medical Marijuana Program card was refused by a retailer, however this occurs at most infrequently.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

There was no anticipated fiscal impact due to the implementation of this rule.

Authorities provided for the Oregon Department of Revenue to implement and enforce the marijuana tax program under ORS 475B.700 to 475B.760 are similar to the income tax withholding program.

b. What was the actual fiscal impact?

There is a de minimis fiscal impact to members of the public seeking a refund of excess marijuana tax paid to OLCC licensed marijuana retailers.

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain: Retailers may still collect tax in excess of the actual liability of a marijuana sale, and members of the public will still need to know how to request a refund of excess marijuana tax paid at point of sale.

5. What impacts does the rule have on small businesses?

Small businesses that incorrectly collect excess marijuana tax from a member of the public are required to refund that excess tax if they receive a written request within 30 days of the date of payment. If the retailer fails to refund the tax within 60 days, the consumer can appeal to the Department of Revenue within 120 days of the original request. The department will then refund the consumer if the sale qualifies for a refund.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-475-2070

Rule Title: 100 Percent Penalty for Failure to File Marijuana Tax Returns

Date adopted: 7/1/2016

Date of review: 11/2/2021

This report was prepared and approved by the Department of Revenue.

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

Clarify provisions in statute for assessing a 100 percent penalty for failure to file a marijuana tax return for three consecutive years.

b. How did the rule succeed or fail in achieving this effect?

Conforms with the existing rule OAR 150-305-0480 to ensure there is consistent application of the 100% failure to file penalty imposed by ORS 305.992 as there is with other trust taxes applicable to businesses such as income tax withholding and statewide transit tax.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

There was no fiscal impact anticipated due to the implementation of this rule.

Authorities provided for the Oregon Department of Revenue to implement and enforce the marijuana tax program under ORS 475B.700 to 475B.760 are similar to the income tax withholding program.

b. What was the actual fiscal impact?

There is no fiscal impact as a result of this rule. The rule mirrors that applicable for income tax withholding and statewide transit tax and OAR 150-305-0480.

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain: The rule is still needed to provide guidance to retailers on when the Department will impose a 100% penalty as allowed in the tie to ORS 305.922 by ORS 475B.755.

5. What impacts does the rule have on small businesses?

This rule does not have a general impact on small businesses. ORS 475B.755 and ORS 305.992 allow a 100% penalty in limited circumstances. This rule ensures small businesses can expect the Department will treat the penalty for the marijuana tax similarly to other trust tax programs administered by the Department such as income tax withholding and statewide transit tax.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-475-2080

Rule Title: Marijuana Retailer Receipt Requirements

Date adopted: 9/15/2016

Date of review: 11/2/2021

This report was prepared and approved by the Department of Revenue

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

Provide retailer receipting requirements so that the department can administer the refund provisions in ORS 475B.740, if tax rates change or there are claims for a refund of excess marijuana tax under OAR 150-475-2060.

b. How did the rule succeed or fail in achieving this effect?

The rule requires OLCC licensed marijuana retailers to provide a customer a written receipt at point of sale of marijuana items which includes information so that a customer can clearly see the purchase price of the items and the tax separately stated on the receipt. Requiring separately stated local tax and numeric identification ensure that the department can correctly audit individual sales transactions.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

There was no fiscal impact anticipated due to the implementation of these rules. Authorities provided for the Oregon Department of Revenue to implement and enforce the marijuana tax program under ORS 475B.700 to 475B.760 are similar to the income tax withholding program. There was concern that there may be a minor economic impact on marijuana retailers as they align their business practices with these rules.

b. What was the actual fiscal impact?

Retailers generally were required by OLCC to track all sales of marijuana items, and ORS 475B.705 requires the retailer issue a receipt to the customer separately stating the tax on the receipt, so the economic impact of the rule was correctly estimated.

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain: The receipt requirement offers protection to consumers and ensures that DOR can administer refunds of excess tax collected by a marijuana retailer.

5. What impacts does the rule have on small businesses?

The rule requires OLCC licensed marijuana retailers who are small businesses to issue a receipt when selling marijuana items to a consumer or Oregon Medical Marijuana Program patient or caregiver, however this requirement exists in ORS 475B.705 and this rule provides additional guidance on required information included in the receipt.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-475-2090

Rule Title: Marijuana Retailer Requirements for Validating Medical Marijuana Cards

Date adopted: 9/15/2016

Date of review: 11/2/2021

This report was prepared and approved by the Department of Revenue.

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members.

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

Establish procedures for marijuana retailers to verify the validity of medical marijuana tax exemptions. These sales are exempt from the Oregon marijuana tax and local marijuana taxes under ORS 475B.707 and ORS 475B.491 respectively.

b. How did the rule succeed or fail in achieving this effect?

The rule ensures retailers are properly verifying medical marijuana card tax exemption requests and deny the exemption if the identification does not support the exemption request.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

There was no fiscal impact anticipated due to the implementation of these rules.

Authorities provided for the Oregon Department of Revenue to implement and enforce the marijuana tax program under ORS 475B.700 to 475B.760 were designed to be similar to the income tax withholding program. Businesses were already required to validate identification cards to ensure that the customers are at least 21 years old.

b. What was the actual fiscal impact?

There was no fiscal impact due to the rule. Retailers were already required to review the identification of prospective customers to verify the customer is over 21 years old and possesses a medical marijuana card.

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain:

4. Is the rule still needed?

Yes

No

Explain: Ensures all claims for tax exemption for purchases of marijuana items are substantiated by valid identification.

5. What impacts does the rule have on small businesses?

Small businesses must develop procedures internally to ensure that staff are validating identification for customers requesting exempt sales of marijuana items as part of the Oregon Medical Marijuana Program.

Agency Rule Review Report Under ORS 183.405

Rule Number: 150-475-2010

Rule Title: Marijuana Tax: Categorization of Product Types

Date adopted: 12/21/2017

Date of review: 11/2/2021

This report was prepared and approved by the Department of Revenue

Was an Administrative Rule Advisory Committee used for prior rulemaking?

Yes

No

If yes, identify members. [Click or tap here to enter text.](#)

1. Has the rule achieved its intended effect?

Yes

No

a. What was the intended effect?

To codify the tax categorization of various products sold by marijuana retailers.

b. How did the rule succeed or fail in achieving this effect?

Marijuana retailers know the appropriate tax categorization of various products and how those products should be reported on their quarterly Oregon Marijuana Tax Returns.

2. Use the fiscal impact statement information shown in the original adoption of the rule.

a. What was the estimated fiscal impact?

There is no impact to state agencies and a de minimis impact to units of local government and the public. The rule changes are intended to be clarifying or interpretive in nature and do not affect the cost to comply.

b. What was the actual fiscal impact?

There was no fiscal impact to state agencies and a de minimis impact to units of local government and the public.

c. Was the fiscal impact statement:

Underestimated

Overestimated

Just about right

Unknown. If you check this, briefly explain why it is unknown:[Click or tap here to enter text.](#)

3. Have subsequent changes in the law required the rule to be repealed or amended?

Yes

No

If 'yes' please explain: The legislature changed the product categories listed in ORS 475B.705 in the 2019 legislative session by enacting 2019 Oregon Laws chapter 391 (HB 2098) combining the separate categories of "marijuana leaves" and "marijuana flowers" into one singular "usable marijuana" category.

4. Is the rule still needed?

Yes

No

Explain: Retailers still need guidance on how they should classify marijuana products for the purpose of the Oregon Marijuana Tax Return.

5. What impacts does the rule have on small businesses?

Businesses are required to report the sales of marijuana items to the Department of Revenue via Revenue Online electronic filing. This electronic filing automates much of the return processes from data which can be extracted from the OLCC seed-to-sale tracking system. This rule helps retailers of marijuana items classify their products for tax reporting purposes to allow them to export their data from their point of sale systems and upload it in the return.



Oregon

Kate Brown, Governor

Oregon Board of Pharmacy

800 NE Oregon St., Suite 150

Portland, OR 97232

Phone: 971-673-0001

Fax: 971-673-0002

pharmacy.board@bop.oregon.gov

www.oregon.gov/pharmacy

December 16, 2021

Secretary of State
VIA-EMAIL

Re: Five Year Rule Review Report from the Oregon Board of Pharmacy

To Whom it May Concern:

We are pleased to submit our Annual Five-Year Rule report for rules adopted in 2016 as required pursuant to ORS 183.405. Please see the following:

OAR 855-006-0020 – Unprofessional Conduct – Effective 7/1/16

*This rule was not technically a new rule, the board voted to relocate it from OAR 855-006-0005 Definitions and adopted as OAR 855-006-0020 in 2016 without additional amendments.

OAR 855-043-0700, 855-043-0705, OAR 855-043-0710, OAR 855-043-0715, OAR 855-043-0720, OAR 855-0725, OAR 855-043-0730, OAR 855-043-0740, OAR 855-043-0745 and OAR 855-043-0750 - Community Health Clinic (CHC) – Effective 7/1/16

- Did the rule have the intended effect?
 - **Yes, this rule did have the intended effect.**
- Anticipated fiscal impact under or overestimated?
 - **Unknown**
- Any changes in the law require the rule to be repealed or amended?
 - **Suggest statutory review of statutory authority for rules and OBOP authorizing RN to work beyond scope of BON licensure. Review and reconcile with Dispensing Practitioner Drug Outlet rules.**
- Is there continued need for the rule?
 - **Yes**
- What impact has this rule had on Small Businesses?
 - **Unknown**
- Was there a Rules Advisory Committee?
 - **No**

OAR 855-019-0460 & OAR 855-041-2340 – Naloxone – (2016 HB 4124) Effective 12/14/16

- Did the rule have the intended effect?
 - **Yes, this rule did have the intended effect.**
- Anticipated fiscal impact under or overestimated?
 - **Unknown**

The Oregon Board of Pharmacy serves to promote and protect public health, safety and welfare by ensuring high standards in the practice of pharmacy and through effective regulation of the manufacture and distribution of drugs.

- Any changes in the law require the rule to be repealed or amended?
 - **Consider 855-019-0460(7) and clarifying re-distribution/distribution, corresponding requirements for this to occur.**
 - **Consider (1)(a) should reduce MME as certain patients (ex/pediatric) may not reach 50 MME but still be at risk. Statute requires MME or I'd remove it. Also maybe add minimum expiration date for dispensed product (6 or 12 months?)**
- Is there continued need for the rule?
 - **Yes, there is continued need for this rule, this access can save lives.**
- What impact has this rule had on Small Businesses?
 - **Unknown**
- Was there a Rules Advisory Committee?
 - **No, this was a legislative directive of 2016 HB 4124.**

REVIEW OF ADOPTED RULES – ORS 183.405

OAR Chapter 845 Division 25 – Recreational Marijuana Rules

Date Adopted: June 13, 2016

Date Review Due: June 12, 2021

Date Review Completed: March 22, 2021

Advisory Committee (AC) used? Yes

AC members:

Chris Lyons, Doug Breidenthal, Ryan Christensen, Anthony Johnson, Brett Kenyon, Jeff Kuhns, Brandon Goldner, Hunter Neubauer, Jeff Davis, Nicole Rowe, William Simpson & Steve Taylor

OLCC Staff:

Steve Marks, Will Higlin, Jesse Sweet, Shannon O’Fallon, Amanda Borup, Danica Hibpshman & Bryant Haley

Adoption of Division 25 Rules

On November 4, 2014, Oregon voters passed the “Control, Regulation and Taxation of Marijuana and Industrial Hemp Act of 2014” (“Measure 91”). This measure effectively decriminalizes certain aspects of the production, sale and personal use of recreational marijuana within the state. From approximately January through June 2015, the Oregon legislature considered numerous pieces of legislation to revise Measure 91. On June 30, 2015, Oregon’s Governor Kate Brown signed House Bill 3400 (“HB 3400”) into law, which amended a majority of Measure 91’s provisions. Further, HB 3400 effectively set the scope of the Commission’s authority and responsibilities to implement a recreational marijuana regulatory system.

HB 3400 directed the Commission to, no later than January 1, 2016, adopt administrative rules that govern the legal market for recreational marijuana products in Oregon, and protect the health and safety of the public. Specifically, HB 3400 charges the Commission to adopt rules designed to prevent:

1. The distribution of marijuana to minors;
2. Revenue from the sale of marijuana from going to criminal enterprises, gangs and cartels;
3. The diversion of marijuana from this state, where it is legal under state law, to other states;
4. State-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

5. Violence and the use of firearms in the cultivation and distribution of marijuana;
6. Drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
7. Growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on federal lands; and
8. Marijuana possession or use on federal property.

HB 3400 also mandated that the Commission develop a system capable of tracking recreational marijuana products through the supply chain to the consumer sales point, as well as begin accepting license applications for recreational marijuana producers, processors, wholesalers, retailer, laboratories, and research certificates by January 4, 2016. In addition, HB 3400 established a marijuana handlers permit as a requirement for all individuals who are involved in the sale of marijuana items to the general public. HB 3400 provided that the Commission must develop administrative rules regarding permittee qualifications, maintaining a valid permit, and an educational program covering pertinent recreational marijuana laws and regulations.

As a result the Oregon Liquor Control Commission adopted the following rules:

- 845-025-1000 – Applicability
- 845-025-1015 - Definitions
- 845-025-1030 - Application Process
- 845-025-1045 - True Name on Application; Interest in Business
- 845-025-1060 - Fees
- 845-025-1070 - Late applicant Fees
- 845-025-1080 – Criminal Background Checks
- 845-025-1090 – Application Review
- 845-025-1100 - Approval of Application and Issuance of
- 845-025-1115 - Denial of Application
- 845-025-1130 – Withdrawal of Application
- 845-025-1145 – Communication With Commission
- 845-025-1160 – Notification of Changes
- 845-025-1175 - Changing, Altering, or Modifying Licensed Premises
- 845-025-1190 – License Renewal
- 845-025-1200 - Financial and Business Records
- 845-025-1215 – Standardized Scales
- 845-025-1230 - Licensed Premises Restrictions and Requirements
- 845-025-1245 – Signage
- 845-025-1260 - Standards for Authority to Operate a Licensed Business as a Trustee, a Receiver, a Personal Representative or a Secured Party
- 845-025-1275 – Closure of Business
- 845-025-1290 – Licensee Responsibility
- 845-025-1295 – Local Ordinances

- 845-025-1300 – Licensee Prohibitions
- 845-025-1330 – Trade Samples
- 845-025-1360 – Quality Control Samples
- 845-025-1400 - Security Plans
- 845-025-1405 - Security Waivers
- 845-025-1410 - Security Requirements
- 845-025-1420 - Alarm System
- 845-025-1430 - Video Surveillance Equipment
- 845-025-1440 - Required Camera Coverage and Camera
- 845-025-1450 - Video Recording Requirements for Licensed Facilities
- 845-025-1460 – Location and Maintenance of Surveillance Equipment
- 845-025-1470 - Producer Security Requirements
- 845-025-1600 – State and Local Safety Inspections
- 845-025-1620 - General Sanitary Requirements
- 845-025-2000 – Canopy Definitions
- 845-025-2020 - Producer Privileges; Prohibitions
- 845-025-2030 – Licensed Premises of Producer
- 845-025-2040 - Production Size Limitations
- 845-025-2050 – Recreational Marijuana Producers – Operating Procedures
- 845-025-2060 – Recreational Marijuana Producers – Start-up Inventory
- 845-025-2070 – Pesticides, Fertilizers and Agricultural Chemicals
- 845-025-2080 – Harvest Lot Segregation
- 845-025-2100 – Transfer of Medical Marijuana Grower Inventory
- 845-025-2800 - Retailer Privileges; Prohibitions
- 845-025-2820 - Retailer Operational Requirements
- 845-025-2840 – Retailer Premises
- 845-025-2860 – Marijuana Retailers – Consumer Health and Safety Information
- 845-025-2880 - Delivery of Marijuana Items by Retailer
- 845-025-2890 – Marijuana Retailers – Collection of Taxes
- 845-025-2900 – Retail Sale of Marijuana for Medical Purposes
- 845-025-2910 – Transfer of Medical Marijuana Dispensary Inventory
- 845-025-3200 – Marijuana Processors – Definitions
- 845-025-3210 – Marijuana Processors - Endorsements
- 845-025-3215 - Processor Privileges; Prohibitions
- 845-025-3220 - General Processor Requirements
- 845-025-3230 – Processor Policies and Procedures
- 845-025-3240 – Processor Training Requirements
- 845-025-3250 – Cannabinoid Edible Processor Requirements
- 845-025-3260 - Cannabinoid Concentrate and Extract Processor
- 845-025-3290 – Processors Recordkeeping
- 845-025-3300 – Processing Marijuana for Medical Purposes
- 845-025-3310 – Transfer of Medical Marijuana Processing Site Inventory

- 845-025-3500 - Wholesale License Privileges; Prohibitions
- 845-025-3510 – Micro-Wholesaler License Privileges
- 845-025-3600 – Wholesaling Marijuana for Medical Purposes
- 845-025-5000 - Laboratory License Privileges
- 845-025-5030 - Laboratory Licensing Requirements
- 845-025-5045 - Laboratory Tracking and Reporting
- 845-025-5060 – Laboratory Transportation and Waste Disposal
- 845-025-5075 – Laboratory Licensee Prohibited Conduct
- 845-025-5300 – Application for Marijuana Research Certificate
- 845-025-5350 – Marijuana Research Certificate Privileges; Prohibitions
- 845-025-5500 – Marijuana Worker Permit
- 845-025-5520 – Marijuana Worker Permit Applications
- 845-025-5540 - Marijuana Handler Permit Denial Criteria
- 845-025-5560 - Marijuana Handler Course Education and Examination
- 845-025-5580 – Marijuana Worker Renewal Requirements
- 845-025-5590 – Suspension or Revocation
- 845-025-5700 – Licensee Testing Requirements
- 845-025-5720 – Labeling, Storage, and Security of Pre-Tested Marijuana Items
- 845-025-5730 – Wholesaler Coordination of Sampling and Testing
- 845-025-5740 – Failed Test Samples
- 845-025-5760 – Audit, Compliance, and Random Testing
- 845-025-5790 – Marijuana Item Recalls
- 845-025-7000 – Packaging and Labeling - Definitions
- 845-025-7020 - Packaging for Sale to Consumer
- 845-025-7030 - Labeling for Sale to Consumer
- 845-025-7060 - Packaging and Labeling Pre-approval Process
- 845-025-7500 – Seed-To-Sale Tracking – CTS Requirements
- 845-025-7520 - Unique Identification (UID) Tags
- 845-025-7540 – Seed-To-Sale Tracking – CTS User Requirements
- 845-025-7560 – Seed-To-Sale Tracking – System Notifications
- 845-025-7570 – Seed-To-Sale Tracking – Cultivation Batches
- 845-025-7580 - Reconciliation with Inventory
- 845-025-7590 – Seed-To-Sale Tracking- Inventory Audits
- 845-025-7700 - Transportation and Delivery of Marijuana Items
- 845-025-7750 – Waste Management
- 845-025-8000 – Advertising – Purpose and Application of Rules
- 845-025-8020 – Advertising – Definitions
- 845-025-8040 – Advertising Restrictions
- 845-025-8060 - Advertising Media, Coupons, and Promotions
- 845-025-8080 – Removal of Objectionable and Non-Conforming Advertising
- 845-025-8500 – Responsibility of Licensee
- 845-025-8520 – Prohibited Conduct

- 845-025-8540 - Dishonest Conduct
- 845-025-8560 – Inspections
- 845-025-8570 - Uniform Standards for Minor Decoy Operations
- 845-025-8580 – Suspended Licenses: Posting of Suspension Notice Sign, Activities Allowed During Suspension
- 845-025-8590 - Suspension, Cancellation, Civil Penalties, Sanction Schedule
- 845-025-8700 – Prohibited Interests in the Marijuana Industry
- 845-025-8750 – License Surrender

1) **Did the rule achieve its intended effect?** Yes.

a) **What was the intended effect?**

- i. The implementation of Measure 91 and following legislation required the OLCC to develop administrative rules that protect public health and safety, provide the parameter for compliant operations of recreational marijuana businesses, as well as develop the process and requirements for license applicants and worker permit holders. The Commission was also mandated to produce a system for tracking the transfer, inventory and testing of marijuana in the regulated system.

b) **How did the rule succeed or fail in achieving this effect?**

- i. The permanent rules were successful in detailing licensee privileges and prohibitions, and licensing and permitting processes. The rules also describe product tracking, transfers, and sales, as well as security requirements. Additionally, rules set standards for maintaining public health and safety.

2) **Was the fiscal impact underestimated, overestimated, just about right, or unknown?** Just about right.

a) **What was the estimated fiscal impact?**

- i. The Commission anticipated a negative fiscal impact for licensees relating to licensing fees (845-025-1060), security requirements (845-025-1410), transportation and delivery (845-025-7700), waste management (845-025-7750), and advertising (845-025-8060). The Commission also anticipated a positive fiscal impact for the rule package generally as the rules provide opportunities for new businesses and employment.

b) **What was the actual fiscal impact?**

- i. The actual fiscal impact is difficult to measure, however, the OLCC currently has over 2,400 active licensees with over 50,000 employees.

c) **If the answer to question 2 is unknown, briefly explain why.**

N/A

3) **Have subsequent changes in the law required the rule to be repealed or amended? If yes, explain.** Yes, ORS 475B has been updated yearly since 2015. The following bills impacted our administrative rules:

2017

- HB 2198 Medical Marijuana Governance
- SB 56 Marijuana Systems Cleanup
- SB 302 The Control and Regulation of Marijuana Act
- SB 319 Siting of Marijuana Establishments near Schools
- SB 863 Marijuana Consumer Privacy
- SB 1015 Industrial Hemp Processing
- SB 1057 Marijuana Tracking and Regulation
- SB 303 Minors in Possession of Alcohol or Marijuana
- SB 5545 Ratifies Marijuana Fees

2018

- HB 4089 Hemp Legislation
- SB 1544 Medical Marijuana, Hemp and Illegal Marijuana Market Enforcement Grant Program

2019

- SB 218 Authorizing production license refusal
- SB 365 Prohibits local government from imposing marijuana systems development charge
- SB 420 Procedures for setting aside marijuana conviction
- HB 3067 Requires annual certification of eligible for distribution of marijuana monies
- SB 582 Authorizes Governor to enter into inter-state regulatory agreements for marijuana export
- HB 2098 Policy and technical fixes for marijuana statutes
- HB 3200 Requires consent of owner for marijuana production

4) **Is the rule still needed? Yes. Explain:**

- a) These rules establish a comprehensive framework for the regulation of the recreational marijuana program.

Review Completed By:

Madeline Kane	<i>Madeline Kane</i>	Policy Coordinator	March 22, 2021
Name	Signature	Title	Date

Executive Review By:

Nathan Rix	<i>Nathan K Rix</i>	Deputy Director	March 22, 2021
Name	Signature	Title	Date

OREGON LIQUOR CONTROL REVIEW OF ADOPTED RULES – ORS 183.405

OAR 845-006-0446– Promotional Events

Date Adopted: April 1, 2016

Date Review Due: March 31, 2021

Date Review Completed: March 22, 2021

Advisory Committee (AC) used? Yes

Advisory Committee Members:

Marcus H. Reed, Todd Engstrom, Doug Ehrich, Kathy Stromvig, Anne Pratt, Daniel Estes, Lisa Frisch, Bill Sinnott, Lise Gervais, Daniel Ward, Scott Winkels, Veronica Rinard, Patty McMillan, Mike Boyer, Bill Perry, Steve McCoid, Brian Butenschoen, Brian McMenamin, Doug LaPlaca, Duke Tufty, Elaine Albrich, Gregg Abbott, Jesse Lyon, Judy Craine, Paul Romain, Mike O’Gorman, Ted Pappas, Brad Whiting, Pete Mulligan, Dan Jarman, Jesse Stafford, Jim Bernau, Bill Cross, Jana McKamey, Glenda Hamstreet, and Jeff Giametta.

- 1) **Did the rule achieve its intended effect?** Yes.
 - a) **What was the intended effect?**
 - i. The intention of this rule was to allow suppliers (wholesale/manufactures) to provide limited financial assistance to retail licensees in the form of paying for advertising for events (provided the payment is not to the retailer but directly to the provider of the advertising) and providing education to patrons and staff. Industry, both suppliers and retailers, pushed for these changes.
 - b) **How did the rule succeed or fail in achieving this effect?**
 - i. Suppliers of alcoholic beverages are prohibited from providing financial assistance to retailers unless allowed by exception. This rule succeeded in achieving its intended effect by allowing suppliers to provide limited financial assistance to retailers.
- 2) **Was the fiscal impact underestimated, overestimated, just about right, or unknown?** Just about right.
 - a) **What was the estimated fiscal impact?**
 - i. The Commission expected a positive fiscal impact.
 - b) **What was the actual fiscal impact?**
 - i. The actual fiscal impact was positive. This rule allows licensees to hold events to promote their products and business.
 - c) **If the answer to question 2 is unknown, briefly explain why.**
N/A

3) **Have subsequent changes in the law required the rule to be repealed or amended? If yes, explain. No.**

4) **Is the rule still needed? Yes. Explain:**

- i. Suppliers providing financial assistance to retailers continues to be prohibited unless allowed by exception. This rule is needed in order to allow suppliers to provide certain specified financial assistance to retailers.

Review Completed By:

Madeline Kane	<i>Madeline Kane</i>	Policy Coordinator	3.22.2021
Name	Signature	Title	Date

Executive Review By:

Nathan Rix	<i>Nathan K Rix</i>	Deputy Director	3.22.2021
Name	Signature	Title	Date

REVIEW OF ADOPTED RULES – ORS 183.405

OAR 845-004-0031 - Refunds

Date Adopted: September 3, 2016

Date Review Due: September 2, 2021

Date Review Completed: April 5, 2021

Advisory Committee (AC) used? Yes

Advisory Committee Members:

Community and Public Safety Representatives

Mitchell Orellana

Kathy Stromvig / Anne Pratt

Daniel Estes

Lisa Frisch / Bill Sinnott

Victor Salinas

Daniel Ward

Scott Winkels

Patty McMillan

Mike Boyer

Licensees and Industry Representatives

Bill Perry

Steve McCoid

Duke Tufty

Elaine Albrich

Jesse Lyon

Jeff Giametta

Micheal Mills

Amanda Hess

Danelle Romain

1) **Did the rule achieve its intended effect?** Yes.

a) **What was the intended effect?**

- i. Some applications issued by the Commission include a non-refundable application fee. The purpose of the rulemaking effort was to clarify through rule the process to obtain a refund of amounts twenty-five dollars or less, as prescribed by Oregon Revised Statute 293.445.

b) **How did the rule succeed or fail in achieving this effect?**

- i. The rule clarified the process to obtain a refund.
- 2) **Was the fiscal impact underestimated, overestimated, just about right, or unknown?** Just about right.
 - a) **What was the estimated fiscal impact?**
 - i. The Commission expected a neutral fiscal impact.
 - b) **What was the actual fiscal impact?**
 - i. The actual fiscal impact was neutral. The rule clarified a process that was already policy within the agency.
 - c) **If the answer to question 2 is unknown, briefly explain why.** N/A
- 3) **Have subsequent changes in the law required the rule to be repealed or amended? If yes, explain.** No.
- 4) **Is the rule still needed? Yes. Explain:**
 - a) This rule clarifies the process for receiving qualifying refunds.

Review Completed By:

Madeline Kane	<i>Madeline Kane</i>	Policy Coordinator	April 5, 2021
Name	Signature	Title	Date

Executive Review By:

Nathan Rix	<i>Nathan K Rix</i>	Deputy Director	April 5, 2021
Name	Signature	Title	Date

OREGON DEPARTMENT OF FISH AND WILDLIFE
Chapter 635
5 Year Rules Review
Review Year: 2015

<p>Review of New Rules</p>	<p>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</p> <ul style="list-style-type: none"> • Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1, 2006; • The amendment or repeal of a rule, but does apply to the adoption of new rules; • Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4); • Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b); • Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and • Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).
<p>Agencies must review new rules, with some exceptions, within five years of adoption(ORS 183.405). Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.</p>	

When an agency reviews a new rule under this provision, the agency must consider five specific factors (A yes answer to any of the questions below requires an explanation).

1. Has the rule had its intended effect?
2. Did the agency overestimate or underestimate the rule's fiscal impact?
3. Do subsequent changes in the law require a change in the rule?
4. Does the rule continue to be necessary?
5. What impact does the rule have on small business?

WILDLIFE DIVISION

The following new rules from 2015 were reviewed by Wildlife Division Staff and Shannon Hurn, Deputy Director.

OAR DIVISION	RULE NUMBER	RULE TITLE
01: Administration	635-01-0030	Rendering Recompensable Assistance to Other State Agencies
08: Department of Fish and Wildlife Lands	635-08-0068	Coquille Valley Wildlife Area
073: Special Interest Seasons	635-073-0100	Controlled Premium Hunt Regulations
140: Greater Sage Grouse Conservation Strategy for Oregon	635-140-0002	Definitions
140: Greater Sage Grouse Conservation Strategy for Oregon	635-140-0025	Mitigation Hierarchy of Impacts in Sage Grouse Core, Low Density and General Habitats

OAR Division	Division 001: Administration
Rule Number & Title	635-01-0030: Rendering Recompensable Assistance to Other State Agencies
Year Adopted	2015
Link to Review Rule	https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=163921

Staff Review by: Erica Kleiner, Directors Office

Comments:

1. Has the rule had its intended effect? Yes. Using its Online Task Tracking Information System (OTTIS), ODFW has effectively tracked the hours of its employees who have performed billable assistance for state agency partners. Statements tracking the total hours and the rate of compensation have been shared with agency partners for informational and budgeting purposes. ODFW tracked approximately \$225k in recompensable costs for the period July 1, 2016 to December 31, 2019.
2. Did the agency overestimate or underestimate the rule's fiscal impact? Not significantly. Overall, compensation for work performed by ODFW employees for other state agencies is less than was originally expected. Based on the recompensable costs that were tracked from 2016-2019, ODFW estimates it can recover approximately \$130k of personnel costs per biennium.
3. Do subsequent changes in the law require a change in the rule? No. There have been no subsequent changes in the law. The rule however does not address a process for invoicing. The law allows ODFW to begin invoicing for actual cost recovery beginning July 1, 2020. The rule should be updated as it refers to ODFW not charging for services.
4. Does the rule continue to be necessary? Yes, but it needs to be revised to allow ODFW to collect payments.
5. What impact does the rule have on small business? None.

Review Date/Initials

11/10/2020
EK

Directors Office: Shannon Hurn

Review Date/Initials

12/29/2020
SMH

OAR Division	Division 08: Department of Fish and Wildlife Lands
Rule Number & Title	635-08-0068: Coquille Valley Wildlife Area
Year Adopted	2015
Link to Review Rule	https://secure.sos.state.or.us/oard/viewSingleRule.action:JSESSIONID_OARD=NWef-FPm2V-4CWfB7sO2OqnfycCWkc1b2P2MCMBRF1BvrgxOjRBv!-406728407?ruleVrsnRsn=257505

<p>Staff Review by: Keith Kohl, Wildlife Division</p> <p>Comments:</p> <ol style="list-style-type: none"> Has the rule had its intended effect? Yes. The rule has had the intended effect of having site-specific regulations for this remote piece of department property. Did the agency overestimate or underestimate the rule's fiscal impact? The department's estimate for no fiscal impact was accurate. Do subsequent changes in the law require a change in the rule? No. Subsequent changes in the law will not require changes in the rule. Does the rule continue to be necessary? Yes, the rule continues to be necessary to provide guidance to the public on use of the property in alignment with the wildlife area objectives. What impact does the rule have on small business? The rule has no measurable impact on small business. 	<p>Review Date/Initials</p> <p>11/09/20 KK</p> <p>12-03-20 KB</p>
<p>Directors Office: Shannon Hurn</p>	<p>Review Date/Initials</p> <p>12/29/2020 SMH</p>

OAD Division	Division 073: Special Interest Seasons
Rule Number & Title	073-0100: Controlled Premium Hunt Regulations
Year Adopted	2015
Link to Review Rule	https://secure.sos.state.or.us/oard/viewSingleRule.action;JSESSIONID_OARD=hnOf9MNIG6PTOfCasyMQF5uGeAuvI5JEmQzpTCry5SUhUQFeLVFx!2068710242?ruleVrsnRsn=268467

<p>Staff Review by: Derek Broman, Wildlife Division</p> <p>Comments:</p> <ol style="list-style-type: none"> 1. Has the rule had its intended effect? Yes. The change which implemented Premium Hunts has provided additional opportunity for hunters and strong revenue for the agency. Public feedback has been very positive. 2. Did the agency overestimate or underestimate the rule's fiscal impact? Underestimated. The rule FIS estimated \$115,000 to \$230,000 additional revenue in license dollars per year; actual revenue has been \$424,096 to \$580,064 (mean \$517,856) in license dollars per year since the rule went into effect. 3. Do subsequent changes in the law require a change in the rule? No. 4. Does the rule continue to be necessary? Yes, Premium Hunts continue to provide agency revenue and public interest remains strong. 5. What impact does the rule have on small business? The rule increases hunter participation and those small businesses that supply goods and services to hunters directly benefit. 	<p>Review Date/Initials</p> <p>11/16/20 DB</p> <p>11-17-20 KB</p>
<p>Directors Office: Shannon Hurn</p>	<p>Review Date/Initials</p> <p>12/29/2020 SMH</p>

OAR Division	Division 140: Greater Sage Grouse Conservation Strategy for Oregon
Rule Number & Title	140-0002 - Definitions
Year Adopted	2015
Link to Review Rule	https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=173326

Staff Review by: Nigel Seidel, Wildlife Division	Review Date/Initials
<p>Comments:</p> <p>1. Has the rule had its intended effect? Yes. The definitions provide clarity and structure to how sage-grouse habitat is designated and how development is identified. There is some continual maintenance of GIS data that partner with some of the definitions. These GIS data are already being produced and maintained as part of ODFW's yearly sage-grouse population analysis.</p>	<p>11/13/2020 NES</p>
<p>2. Did the agency overestimate or underestimate the rule's fiscal impact? The Department's fiscal assessment has been pretty accurate for OAR 635-140-0002 up to this point. The only items that require continual fiscal investment by the Department is the data maintenance of GIS layers associated with some of the habitat designations/definitions.</p>	<p>11/16/20 KB</p>
<p>3. Do subsequent changes in the law require a change in the rule? No.</p>	
<p>4. Does the rule continue to be necessary? Yes, 140-0002 is a necessary component and provides important context for several subsections of the full Division. Division 140 is vital to ensure that development is appropriately sited in sage-grouse habitat, development actions are coordinated with ODFW, and that impacts to sage-grouse habitat are mitigated.</p>	
<p>5. What impact does the rule have on small business? The specific subsection (140-0002) does not have much impact on small business. These definitions outline specific terms. A couple of the definitions do define specific sage-grouse habitat categories which does have implications for the size, type, and amount of development that can occur in identified areas. These implications can impact how small proposed developments can occur within sage-grouse habitat, but overall are outside the scope of 140-0002.</p>	

Directors Office: Shannon Hurn

**Review
Date/
Initials**

12/29/2020

SMH

OAR Division	Division 140: Greater Sage Grouse Conservation Strategy for Oregon
Rule Number & Title	140-0025 – Mitigation Hierarchy of Impacts in Sage Grouse Core, Low Density and General Habitats
Year Adopted	2015
Link to Review Rule	https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=173335

Staff Review by: Nigel Seidel, Wildlife Division

Comments:

1. Has the rule had its intended effect?

Yes. The rule matches up with DLCDD's sage-grouse land use rule (OAR 660-023-0115) to outline specific development considerations and restrictions within sage-grouse core, low density, and general habitat. Both county and state level permitted development projects proposed in sage-grouse habitat are required to address components of the mitigation hierarchy within this rule. Close coordination between the project proponent, Department, and the permitting entity is required to adequately meet the requirements of the mitigation hierarchy to appropriately site development in sage-grouse habitat. This rule has resulted in many developers coordinating with Department to site projects in sage-grouse habitat.

2. Did the agency overestimate or underestimate the rule's fiscal impact?

The Department's assessment of fiscal impact was correct. The coordination work between the Department and project proponents seeking development proposals in sage-grouse habitat has been completed through the Sage-grouse Mitigation Program and a single FTE position. The work load has been manageable and S&S costs have remained manageable. As more development projects are permitted in sage-grouse habitat, the workload, out of office travel, and additional time needed to manage mitigation projects may require addition FTE and S&S.

3. Do subsequent changes in the law require a change in the rule? No.

4. Does the rule continue to be necessary?

Yes, 140-0025 is necessary to meet the objectives of Executive Order 15-18 and Oregon's statewide sage-grouse action plan. The rule ensures development actions meet mitigation hierarchy requirements to help appropriately site projects in sage-grouse habitat, assess impacts of development actions to sage-grouse, and mitigate for residual development impacts. Without the rule, there are no appropriate filters for which to assess development impacts to sage-grouse or identify appropriate mitigation to adequately offset development actions in sage-grouse habitat.

5. What impact does the rule have on small business?

This rule can have a negative impact on small business. The rule identifies a more stringent set of requirements in order to site a development project in sage-grouse habitat. If mitigation is necessary to offset project impacts to sage-grouse, the cost can be high and there can be difficulty finding a location to conduct mitigation. There have been cases where small scale developers have been able to reduce project impacts enough to proceed with proposed developments without triggering the rule. Thus, the need for costly mitigation was avoided.

Review Date/ Initials

11/13/2020

NES

11/16/20

KB

Directors Office: Shannon Hurn

**Review
Date/
Initials**

12/29/2020

SMH

FISH DIVISION

The following new rules from 2015 were reviewed by Fish Division Staff and Shannon Hurn, Deputy Director.

OAR DIVISION	RULE NUMBER	RULE TITLE
01: Administration	635-01-0110	Pikeminnow Fish Derby
04: Commercial Fisheries other than Salmon or Shellfish	635-004-0376	Logbook Required
05: Commercial Shellfish and Marine Invertebrate Fisheries	635-005-0387	Catch Limits

OAR Division	Division 001: Administration
Rule Number & Title	01-0110: Pikeminnow Fish Derby
Year Adopted	2015
Link to Review Rule	https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=163940

Staff: Michael Gauvin/John Seabourne	Director's Office:
1.) Yes. 5 permits have been issued (2015-2019). A permit was not requested in 2020 most likely due to COVID-19. 2.) No. 3.) No. 4.) Yes. Provides for this unique opportunity to support local non-profit organization. 5.) No small business impacts are known.	
Review date & initials: 01/28/2021 MWG	Review date & initials: 01/28/2021 SMH

OAR Division	Division 004: Commercial Fisheries Other than Salmon or Shellfish
Rule Number & Title	004-0376: Logbook Required
Year Adopted	2015
Link to Review Rule	https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=164336

Staff: Troy Buell	Director's Office:
<p>1.) Yes. The rule was adopted in anticipation of purse seine vessels shifting from targeting sardine to other Coastal Pelagic Species (CPS) with the continued conservation closure of the commercial directed sardine fishery off the US West Coast. Logbooks were not required for directed commercial ocean fishing for the CPS Pacific mackerel, jack mackerel, or anchovy at the time. Information on location and amount of fishing effort provided by logbooks is valuable to interpret catch data, and needed for sustainable management. While directed commercial fisheries for these species have not appreciably developed since the adoption of the rule, the potential has not changed.</p> <p>2.) No.</p> <p>3.) No.</p> <p>4.) Yes. The potential for increased commercial fishing effort directed at Pacific mackerel, jack mackerel, or anchovy still exists, and information provided by logbooks would still be needed for sustainable fishery management.</p> <p>5.) The rule creates a record keeping requirement for commercial fishers targeting Pacific mackerel, jack mackerel or anchovy using purse seine gear in the ocean. The Department provides the logbook forms at no cost and the administrative burden to fill out and submit logbook forms is low.</p>	
<p>Review date & initials:</p> <p>02/01/2021 TB</p>	<p>Review date & initials:</p> <p>02/01/2021 SMH</p>

OAR Division	Division 005: Commercial Shellfish and Marine Invertebrate Fisheries
Rule Number & Title	005-0387: Catch Limits
Year Adopted	2015
Link to Review Rule	https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=164575

Staff: Troy Buell	Director's Office:
<p>1) Yes. This rule curbed rapid growth of the commercial intertidal cockle clam harvest in Netarts Bay by limiting total harvest to less than 22,000 pounds annually, which has helped maintain the population at an optimal level and reduced (but not eliminated) conflict between recreational and commercial harvesters.</p> <p>2) No.</p> <p>3) No.</p> <p>4) Yes. Demand for commercial cockle clams continues to be strong, and intertidal harvest levels could increase to unsustainable levels and exacerbate conflicts between recreational and commercial harvesters without this rule.</p> <p>5) Commercial clammers (about 20 permitted per year) are limited by the total amount of cockle clams that can be harvested from Netarts Bay. While this annual landing limit may reduce positive economic impacts in the short term, conserving populations through catch limits provides a long-term benefit by helping maintain cockle populations at optimal levels. Small businesses that provide services to recreational clammers may be positively impacted by provision of increased opportunities for recreational clammers.</p>	
Review date & initials: 11/16/2020 TB	Review date & initials: 01/28/2021 SMH

OSBN Board Rule Activities Report

Administrative Rules Review – Jan. 2017 through Dec. 2017
(pursuant to ORS 183.405-review not later than five years after adoption of rule)

OAR NUMBER	ADOPTED DATE	REVIEW	DATE OF RULE REVIEW	DESCRIPTION – REASON/NEED FOR RULE
851-001-0115	8/1/2017	<input checked="" type="checkbox"/> Did rule have intended effect? <input checked="" type="checkbox"/> Correct anticipated fiscal impact? <input type="checkbox"/> Laws to repeal or amend? <input checked="" type="checkbox"/> Continued need for rule?	1/12/2022	Adoption of this section, <i>Criminal Background Checks</i> , was to align the criminal background check process with DAS rules regarding criminal background check requirements for applicants and employers.
851-001-0125	8/1/2017	<input checked="" type="checkbox"/> Did rule have intended effect? <input checked="" type="checkbox"/> Correct anticipated fiscal impact? <input type="checkbox"/> Laws to repeal or amend? <input checked="" type="checkbox"/> Continued need for rule?	1/12/2022	Adoption of this section, <i>Appealing a Fitness Determination</i> , creates rule language to align with statute regarding a Subject Individual (SI), defined in ORS 181A.190.
851-001-0135	8/1/2017	<input checked="" type="checkbox"/> Did rule have intended effect? <input checked="" type="checkbox"/> Correct anticipated fiscal impact? <input type="checkbox"/> Laws to repeal or amend? <input checked="" type="checkbox"/> Continued need for rule?	1/12/2022	Adoption of this section, <i>Record Keeping and Confidentiality</i> , creates rule language regarding the confidentiality of criminal records checks and identifies situations when these records are disseminated.

5 Year Rule Review

Agency: **Oregon State Landscape Architect Board (OSLAB)**

Rule number: **OAR 804-022-0030 Required Application Information**

Date rule effective: 09/01/2015

Date rule review due: 09/01/2020

Date rule review completed: 02/04/2021

Advisory committee used as part of initial rule development process? yes; no
(Since yes, OSLAB to provide committee members with a copy of this completed form.)

1. Did the rule achieve its intended effect?

yes

no

a. What was the intended effect? 804-022-0030 was adopted to put forth the legal basis and restrictions around required application information.

b. How did the rule succeed or fail in achieving this effect? The Board has been able to point applicants and registrants to this rule ever since adoption when questions about required application information arose.

2. Was the fiscal impact statement

underestimated, overestimated, just about right or unknown?

a. What was the estimated fiscal impact? The Board estimated there would be no fiscal impact. The rule applies only to those that are or intend to become registrants of the Board and simply explains why certain information must be on file with the Board. No impact on small businesses.

b. What was the actual fiscal impact? No known fiscal impact.

c. If the answer to question 2 is unknown, briefly explain why.

3. Have subsequent changes in the law required the rule be repealed or amended?

no

yes If yes, explain.

4. Is the rule still needed? Explain.

yes

no

The Board must be able to explain to applicants and registrants why certain information must be required and retained for registrants. This rule does that and makes that information readily available to all Board applicants and registrants who might have questions about this.

Agency 5-Year Review of Administrative Rules

Rule number: OAR 459-005-0260 Reviewed by: Yong Yang
Date reviewed: 8/26/2021

PERS must review administrative rules adopted since January 1, 2006, within five years after the rules are first adopted. The review requirement only applies to rule adoptions, not subsequent amendments. ORS 183.405 Upon request of the agency, the Small Business Rules Advisory Committee established in ORS 183.407 may agree to complete the review. The 5 year review also does not apply to:

- (a) Rules adopted to implement court orders or the settlement of civil proceedings;
- (b) Rules that adopt federal laws or rules by reference;
- (c) Rules adopted to implement legislatively approved fee changes; or
- (d) Rules adopted to correct errors or omissions.

Date adopted: 9/30/2016
Date review due: 9/30/2021
Advisory committee used to draft Rule?
 Yes No
If yes, identify members. Members must be provided a copy of this completed form.
N/A

1. Did the rule achieve the intended effect?

Yes No

a. What was the intended effect?

In addition to recovery and collections remedies available to PERS under ORS 238.715, this rule specifies additional civil actions and criminal charges PERS may pursue under Chapters 162, 164, 165 and 180 of the Oregon Revised Statutes against individuals who have committed fraud or attempted to commit fraud against the agency.

b. How did the rule succeed or fail in achieving this effect?

This rule succeeds in achieving the intended effect by specifying the relevant chapters of the Oregon Revised Statutes that are available to the agency as additional remedies against fraud and stating that PERS will investigate all suspected fraudulent activities.

2. Was the fiscal impact statement? (Check one)

Underestimated Just about right Overestimated Unknown

a. What was the estimated fiscal impact?

No Discrete Costs

b. What was the actual fiscal impact?

No Discrete Costs

c. If the answer to question 2 is unknown, briefly explain why.

3. Have subsequent changes in the law required the rule be repealed or amended?

Yes No

If yes, explain.

Agency 5-Year Review of Administrative Rules

4. Is the rule still needed?

Yes No

Explain.

The agency is still responsible for fraud detection and would still need the authority to pursue civil actions and/or criminal charges under appropriate circumstances as provided by the specified statutes

5. Does the rule impact small businesses?

Yes No

Explain.



**State Library
of Oregon**

**Five Year Rules Review Report
Required by ORS 183.405**

Rule Name: Certification of State Agency Libraries

Rule Number(s): 543-020-0070

Adoption date: 6/13/16

Review Due Date: 12/1/2021 **Review Date:** 11/19/2021

Reviewer's Name: Caren Agata-Program Manager, Government Information and Library Services

Advisory Committee used? Yes No

If yes, identify members. Members must be provided a copy of this completed report.

1. Did the rule achieve its intended effect? Yes No

- What was the intended effect?

The intent of library certification is to increase awareness of all the State Library has to offer in terms of services, resources, partnership development and interagency coordination, with an eye to reducing duplication and creating cost efficiencies.

- How did the rule succeed or fail in achieving this effect?

The rule provided the opportunity to determine if there are certified libraries in other state agencies. We found no duplication of services or materials and took advantage of working with other agencies to let them know more about the State Library.

2. Was the fiscal impact statement: underestimated; overestimated; just about right; or unknown? (check one)

- What was the estimated fiscal impact?

Unknown

- What was the actual fiscal impact?

The only fiscal impact has been to staffing time, in terms of investigation and certification of possible libraries outside the State Library of Oregon.

- If the answer to question 2 is unknown, briefly explain why:

There was no additional funding and we used current staffing to fulfill the rule.

3. Have subsequent changes in the law required the rule be repealed or amended?

Yes No

If yes, please explain:

4. Is the rule still needed? Yes No

- Please explain:

ORS 357.029 still requires that the State Library establish the certification process and review criteria by rule.

After reviews since the inception of the rule, we have determined that currently there is only one certified library that is in place outside the State Library of Oregon. It is housed at the Oregon Department of Transportation (ODOT). The other possible libraries did not have professional staff, evidence of collecting metrics, or the purpose of meeting the needs of Oregon state agencies or their employees.

5. What impacts has this rule had on small business, if any?

None



State Library
of Oregon

Five Year Rules Review Report
Required by ORS 183.405

Rule Name: Database and Subscription Licenses

Rule Number(s): 543-020-0080

Adoption date: 6/13/16

Review Due Date: 12/1/2021 Review Date: 11/29/2021

Reviewer's Name: **Caren Agata Program Manager, Government Information and Library Services**

Advisory Committee used? Yes No

If yes, identify members. Members must be provided a copy of this completed report.

1. Did the rule achieve its intended effect? Yes No

- What was the intended effect?

The intent of establishing a review and approval process for reference databases and subscriptions is to build awareness of state agency subscriptions statewide, reduce duplication and create cost efficiencies, through cooperative purchasing of library resources, and reduce subscription costs for state agencies.

- How did the rule succeed or fail in achieving this effect?

The rule has provided for monitoring of subscription purchases (of research databases). One of the goals was to reduce duplication. We have in fact, found there is very little duplication of resources throughout state agencies. The most duplication (90%) is in fact for newspaper subscriptions, which can not really be reduced due to licensing issues from publishers which do not provide multi-user, enterprise level, or site options to libraries.

2. Was the fiscal impact statement: underestimated; overestimated; just about right; or unknown? (check one)

- What was the estimated fiscal impact?
- What was the actual fiscal impact?
- If the answer to question 2 is unknown, briefly explain why:

There was no provision for any additional funds from the budget. The only costs associated with this rule include staff time and effort.

3. Have subsequent changes in the law required the rule be repealed or amended?
 Yes No

If yes, please explain:

4. Is the rule still needed? Yes No

- Please explain:

ORS 357.115 still requires that the State Library establish rules pertaining to the review and approval process of subscriptions for reference-related databases.

The State Library is actually less often consulted on purchases as we are not part of any standard procurement processes in agencies. The value of increased awareness and close communications with agencies throughout the state provides us with offering instruction, guidance, and exposure to what we can offer in terms of materials deemed valuable by them.

5. What impacts has this rule had on small business, if any?
None