

Chapter 458

2017 EDITION

Housing and Community Services Programs; Individual Development Accounts

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458.010 [1989 c.1051 §14; 2005 c.470 §3; renumbered 307.654 in 2005]

458.015 [1989 c.1051 §16; 2005 c.470 §4; renumbered 307.657 in 2005]

458.020 [1989 c.1051 §17; 1991 c.459 §410; 1997 c.541 §436; 2005 c.470 §6; renumbered 307.664 in 2005]

458.025 [1989 c.1051 §18; 1991 c.459 §411; 1997 c.541 §437; 2005 c.470 §7; renumbered 307.667 in 2005]

458.035 [1989 c.1051 §19; 2005 c.470 §8; renumbered 307.671 in 2005]

458.040 [1989 c.1051 §20; 2005 c.470 §9; renumbered 307.674 in 2005]

458.045 [1989 c.1051 §21; 1991 c.459 §412; 1995 c.377 §2; 1997 c.541 §438; 2005 c.470 §11; renumbered 307.681 in 2005]

458.050 [1989 c.1051 §22; 1991 c.459 §413; 2005 c.470 §12; renumbered 307.684 in 2005]

458.060 [1989 c.1051 §23; 1991 c.459 §414; 1997 c.541 §439; 2005 c.470 §13; renumbered 307.687 in 2005]

458.065 [1989 c.1051 §24; 1991 c.459 §415; 1995 c.377 §3; 1997 c.541 §440; 2005 c.470 §14; renumbered 307.677 in 2005]

COMMUNITY-BASED HOUSING DEVELOPMENT

458.210 Community development corporations; description. For the purposes of ORS 456.550 and 458.210 to 458.240, a community development corporation is an organization that:

(1) Is established under the provisions of ORS chapter 65;

(2) Has qualified for tax exempt status under section 501(c)(3) of the Internal Revenue Code;

(3) Has a purpose, stated in the articles of incorporation, to serve low and moderate income people's need for community development and community self-help;

(4) Has a board of directors, of not fewer than five members, that is locally controlled by including 51 percent of the board members from the service area; and

(5) Has a defined geographic service area. [1989 c.1030 §1]

458.215 Local capacity building program. The Housing and Community Services Department may establish a program to build local capacity to address any or a combination of the following:

(1) Housing needs of people, with low or moderate incomes, for homeownership and affordable rental housing;

(2) The problem of abandoned houses;

(3) The need for adequate housing for seasonal farm laborers;

(4) Housing problems for low and moderate income elderly persons and persons with disabilities;

(5) The need to incorporate social service programs as a component of community economic development;

(6) The preservation of manufactured dwelling parks that the department determines house a significant percentage of persons and families of lower income; and

(7) The need to incorporate related jobs for low and moderate income persons as a component of community economic revitalization. [1989 c.1030 §2; 1991 c.907 §1; 1993 c.794 §1; 2007 c.70 §264; 2007 c.607 §24]

458.220 Community development corporation grants and assistance; rules. In carrying out the provisions of ORS 458.215, the Housing and Community Services Department shall provide any or a combination of the following:

(1) Initial planning grants to qualified nonprofit community-based organizations, including but not limited to housing authorities and community action agencies, to initiate community development corporations. To qualify under this subsection, an organization shall obtain matching funds or in-kind contributions in an amount determined by rule;

(2) Grants to community development corporations for projects intended to extend the capacity of the corporation to meet the housing needs of the service area;

(3) Grants to community development corporations for projects that combine community-based social service programs with related jobs for low and moderate income persons to promote community economic revitalization; and

(4) Technical assistance to community-based organizations, developing community development corporations and existing community development corporations to carry out the provisions of ORS 456.550 and 458.210 to 458.240. For purposes of ORS 456.550 and 458.210 to 458.240, technical assistance includes but is not limited to training and assisting community development corporations with:

(a) Conducting needs assessments;

(b) Training boards of directors;

(c) Recruiting project development teams;

(d) Determining and applying for available assistance;

(e) Conducting feasibility studies;

(f) Financial planning;

(g) Preparing project budgets;

(h) Proposal writing and project packaging;

(i) Organizational structure and design;

(j) Generating local support; and

(k) Obtaining legal and accounting advice. [1989 c.1030 §3; 1991 c.907 §2; 1993 c.794 §2]

458.225 Preference for certain community development corporations. (1) In carrying out the provisions of ORS 456.550 and 458.210 to 458.240, the Housing and Community Services Department shall give preference to a community development corporation that:

(a) Has a defined geographic service area outside an entitlement community or county;

(b) Has a defined geographic service area inside an entitlement community or county but does not include more than 50,000 people in the service area;

(c) Has a defined geographic service area that includes five or fewer nonentitlement counties; and

(d) Can demonstrate support from the community.

(2) As used in this section, "entitlement community or county" means any area within the state that is:

(a) A "metropolitan city" as defined in 42 U.S.C. 5302(4) (1995); or

(b) An "urban county" as defined in 42 U.S.C. 5302(6) (1995). [1989 c.1030 §4; 1997 c.47 §1]

458.235 Rules. The Housing and Community Services Department shall adopt rules to carry out the provisions of ORS 456.550 and 458.210 to 458.240, including rules to define "persons of low and moderate income." [1989 c.1030 §6]

458.240 Effect of law on other community development corporations. Nothing in ORS 456.550 and 458.210 to 458.240 shall limit the authority or powers of community development corporations authorized pursuant to ORS 708A.150. [1989 c.1030 §9; 1997 c.631 §475]

HOUSING REVITALIZATION PROGRAM

458.305 Legislative findings. The Legislative Assembly finds that:

(1) A critical shortage exists of suitable, affordable housing for households with an income below the median income. This shortage is particularly acute with respect to rental housing.

(2) During the past half decade, the supply of rental housing that is affordable to households at or below the median income level has not kept pace with the demand.

(3) The lack of suitable, affordable housing is a barrier to Oregon's development.

(4) It is in the economic and social interest of the state to encourage public agencies and private parties to efficiently expand

the supply of housing in Oregon for households at or below the median income level.

(5) The quantity of public resources available to support the expansion and rehabilitation of low and moderate income housing stock is limited. Consequently, it is the policy of this state to attempt to target the use of these resources so that a maximum amount of usable housing product is delivered to Oregon citizens at the minimum cost required for prudent program administration. [1989 c.1016 §1]

458.310 Housing revitalization program; criteria; rules. (1) The Oregon Housing Stability Council shall adopt rules to develop and administer a housing revitalization program for low and moderate income housing.

(2) Applicants for revitalization program funds shall be:

(a) A unit of local government;

(b) A housing authority;

(c) A nonprofit corporation; or

(d) An applicant eligible under paragraph (a), (b) or (c) of this subsection who contracts with another entity, including a private for-profit corporation.

(3) Housing revitalization projects shall bring into use vacant and abandoned property or rehabilitate substandard property, or both. Eligible project activities include, but are not limited to:

(a) Purchase of property;

(b) Rehabilitation of housing units;

(c) New construction to replace units for which rehabilitation is infeasible;

(d) Mortgage interest subsidies or reduction of principal loan amounts; or

(e) Other activities that have the effect of making properties available to and occupied by persons of lower income, such as loan guarantees.

(4) Projects funded by the housing revitalization program shall be rental or owner-occupied single or multifamily housing.

(5) The housing rehabilitation program shall create affordable housing in which rent levels are no higher than 30 percent of 80 percent of median income levels.

(6) Priority shall be given to projects applied for under subsections (1) to (5) of this section that provide opportunities for low and moderate income persons to own their housing units.

(7) Priority among rental housing projects shall be given to projects applied for under subsections (1) to (5) of this section that:

(a) Have rent levels no higher than 30 percent of 50 percent of the median income level, or less;

(b) Are owned and operated by a non-profit or a governmental unit; and

(c) Demonstrate a coordinated local effort to integrate housing, job placement and social services.

(8) In implementing this section and ORS 458.305, the council shall work to ensure a reasonable geographic distribution of funds among different regions of the state and shall place special emphasis on ensuring that funds are available to projects in rural areas. [1989 c.1016 §2; 1995 c.79 §269; 2009 c.11 §64; 2015 c.180 §15]

458.350 [1989 c.916 §4; 1997 c.801 §35a; repealed by 2011 c.595 §113]

458.355 [1989 c.916 §6; 1991 c.716 §3; 1997 c.801 §35b; repealed by 2011 c.595 §113]

458.360 [1989 c.916 §5; repealed by 2011 c.595 §113]

458.365 [1989 c.916 §8; 1991 c.716 §5; 1997 c.801 §36; repealed by 2011 c.595 §113]

LOW INCOME ELDERLY RENTAL ASSISTANCE

458.375 Rental housing assistance for very low income elderly persons; rules. (1) The Housing and Community Services Department shall provide funds to assist very low income elderly persons to defray the cost of rental housing through programs administered by the department including, but not limited to, the Emergency Housing Account created in ORS 458.620 and disbursed pursuant to ORS 458.650.

(2) The department shall adopt rules to carry out the provisions of this section.

(3) For purposes of this section:

(a) "Elderly person" means a person 58 years of age or older.

(b) "Very low income" has the meaning given that term in ORS 458.610. [2015 c.348 §7]

458.377 Elderly Rental Assistance Fund. (1) The Elderly Rental Assistance Fund is created within the State Treasury, separate and distinct from the General Fund. Interest earned by the Elderly Rental Assistance Fund shall be credited to the fund.

(2) Moneys in the Elderly Rental Assistance Fund shall consist of:

(a) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;

(b) Amounts received from state, federal and private sources;

(c) Amounts donated to the fund; and

(d) Other amounts deposited in the fund from any source.

(3) Moneys in the fund are continuously appropriated to the Housing and Community Services Department for the purposes of providing funds to elderly persons under ORS 458.375.

(4) The department may use moneys in the fund to pay the administrative costs associated with the fund and with carrying out the provisions of ORS 458.375. [2015 c.348 §8]

MENTAL HEALTH HOUSING

458.380 Housing for Mental Health Fund. (1) The Housing for Mental Health Fund is established in the State Treasury, separate and distinct from the General Fund. The Housing for Mental Health Fund consists of moneys deposited in the fund under section 8, chapter 812, Oregon Laws 2015, and may include moneys appropriated, allocated, deposited or transferred to the fund by the Legislative Assembly or otherwise and interest earned on moneys in the fund.

(2) Moneys in the fund are continuously appropriated to the Housing and Community Services Department for disbursement for the purposes set forth in ORS 458.385. [2015 c.812 §9; 2017 c.671 §2]

Note: 458.380 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 458 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

458.385 Disbursement of moneys in fund. (1) The Housing and Community Services Department, in collaboration with the Oregon Health Authority, shall disburse moneys in the Housing for Mental Health Fund to provide funding for:

(a) The development of community-based housing, including licensed residential treatment facilities, for individuals with mental illness and individuals with substance use disorders; and

(b) Crisis intervention services, rental subsidies and other housing-related services to help keep individuals with mental illness and individuals with substance use disorders safe and healthy in their communities.

(2) The department shall provide funding for:

(a) A portion of the costs to purchase land and to construct housing described in subsection (1)(a) of this section; and

(b) Up to 50 percent of the start-up costs for providing housing described in subsection (1)(a) of this section, including but not limited to fixtures, furnishings and training of staff.

(3)(a) The department shall prescribe the financing mechanisms to be used to provide funding under subsection (2)(a) of this sec-

tion of up to 35 percent of the total project development costs.

(b) The department may waive the 35 percent limit on total project development costs under paragraph (a) of this subsection for a low-cost project or to meet a critical need in a rural area.

(4) The department shall convene an advisory group to make recommendations to the department for:

(a) The allocation of moneys between different types of housing;

(b) The financing of housing described in subsection (1)(a) of this section;

(c) The provision of services described in subsection (1)(b) of this section;

(d) Soliciting funding proposals; and

(e) Processing applications for funding.

(5) The advisory group convened under subsection (4) of this section must include:

(a) One representative of a private provider of mental health treatment;

(b) One representative of a private provider of substance abuse treatment;

(c) Two representatives of groups that advocate on behalf of consumers of mental health or substance abuse treatment;

(d) One staff person from the department;

(e) One staff person from the division of the Oregon Health Authority that regulates mental health and substance abuse treatment programs;

(f) Two consumers of mental health or substance abuse treatment;

(g) One representative of a community mental health program;

(h) One person with expertise in developing and financing community housing projects in rural communities; and

(i) One representative of community corrections. [2017 c.671 §1]

Note: 458.385 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 458 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

LOW INCOME HOUSING INVOLVING STATE PROPERTY

458.405 Legislative findings. The Legislative Assembly finds that:

(1) Safe, affordable and readily available housing options for low-income individuals and families do not match the increasing need for such housing in this state.

(2) Much state-owned property is unused and could be made available to increase housing options for low-income individuals and families.

(3) Unused property kept for long periods of time generally decreases in value.

(4) A method to dispose of or transfer such property and have it utilized for a public purpose is in the interests of the people of this state.

(5) It will further the public interest to put unused state-owned real property at the disposal of nonprofit housing providers and housing authorities to address the housing needs of low-income individuals and families in this state. [1989 c.440 §1]

458.410 Purposes. The purposes of ORS 458.405 to 458.460 are to provide low-income housing options including but not limited to:

(1) Transitional and emergency housing for low-income individuals and families as long as this type of housing is accompanied by adequate supporting social services; and

(2) Permanent low-income housing units. [1989 c.440 §2]

458.415 Rules. In carrying out ORS 458.405 to 458.460, the state shall act by and through its duly constituted board, commission or agency. The state by statute or through its respective board, commission or agency, may provide rules necessary to carry out ORS 458.405 to 458.460. [1989 c.440 §3; 1995 c.79 §270]

458.420 Conveyance of certain state real property for low-income housing. Whenever the state or any state agency possesses or controls real property that might be used to further the public use of providing housing options for low-income individuals and families that is unused for any other public purpose and in which no long-term policy exists to use it for another public purpose, then the state or its agency may sell, convey or lease for a period not to exceed 99 years, all or any part of its interest in the property to a nonprofit organization involved with providing low-income housing options or to a housing authority. The consideration for the transfer may be cash or real property, or both. [1989 c.440 §4]

458.425 Restriction on conveyance of certain state real property. Real property needed for a public use other than low-income housing shall not be sold, exchanged, leased or conveyed under the authority of ORS 458.405 to 458.460. [1989 c.440 §5]

458.430 Authority of state to lease property not owned by state. (1) The authority to lease property granted by ORS 458.420 includes authority to lease property not owned or controlled by the state at the time of entering the lease. Such lease shall be conditioned upon the subsequent acquisition of the interest covered by the lease.

(2) Any lease of state real property to be used for the purposes of ORS 458.405 to 458.460 exceeding five years shall be approved in advance by the Oregon Department of Administrative Services. [1989 c.440 §6]

458.440 Authorization to lease; terms and conditions. Every lease entered into pursuant to ORS 458.405 to 458.460 shall be authorized by order of the state agency executing the lease and shall provide such terms and conditions as may be fixed by the government body executing the lease. [1989 c.440 §7]

458.445 Authority to relinquish title to property; purpose. The state is hereby granted express power to relinquish the title to any of its property not needed for another public purpose to the United States Government or any other governmental body, political subdivision, housing authority or nonprofit organization involved with providing low-income housing, in order to promote the public purpose of increasing housing options for low-income individuals and families in this state. [1989 c.440 §8]

458.450 Approval required by governing body where property located. Before the transfer of any state-owned real property under the provisions of ORS 458.405 to 458.460 to a housing authority or a nonprofit organization involved with providing low-income housing to individuals and families in this state, the state or its agency, board or commission shall obtain approval of the governing body in which such property is located. [1989 c.440 §9]

458.460 Bidding procedure for multiple applicants. In the event that more than one housing authority or appropriate nonprofit organization is interested in a building available for transfer under ORS 458.405 to 458.460, the state or its agency shall conduct a bidding process that takes into account:

- (1) The entity most capable of delivering services and housing options to conform with the purpose of ORS 458.405 to 458.460;
- (2) The fiduciary obligation of the state and its agencies to bondholders; and
- (3) Financial prudence. [1989 c.440 §10]

LOCAL INNOVATION AND FAST TRACK HOUSING PROGRAM

458.480 Definitions. As used in ORS 458.480 to 458.490:

(1) “Affordable housing” means residential housing that may be purchased or rented, with or without government assistance, by persons who meet the applicable income limits of local, state or federally funded programs or developments.

(2) “Area median income” means the median income for the county in which the subject housing is located, adjusted for family size, as determined by the Housing and Community Services Department using United States Department of Housing and Urban Development information.

(3) “Development costs” has the meaning given that term in ORS 456.548.

(4) “Low income households” means:

(a) For affordable housing that may be rented, households of one or more individuals whose combined incomes are at or below 60 percent of the area median income; or

(b) For affordable housing that may be purchased, households of one or more individuals whose combined incomes are at or below 80 percent of the area median income.

(5) “Operate” means to have sufficient direct or indirect control of qualified property that reasonably enables the Housing and Community Services Department, in its determination, to ensure the qualified property’s use for the purpose of providing affordable housing under the Local Innovation and Fast Track Housing Program established in ORS 458.485.

(6) “Own” means to possess one or more interests as described in ORS 458.485 (3) in a qualified property that reasonably enables the Housing and Community Services Department, in its determination, to ensure the qualified property’s use for the purpose of providing affordable housing under the Local Innovation and Fast Track Housing Program established in ORS 458.485.

(7) “Qualified property” means real or personal property, including infrastructure and indebtedness related to the real or personal property. [2016 c.61 §1; 2017 c.214 §1]

Note: 458.480 to 458.490 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 458 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

458.485 Local Innovation and Fast Track Housing Program; rules. (1) The Housing and Community Services Department shall, with the advice and consent of the Oregon Housing Stability Council, develop and implement the Local Innovation and Fast Track Housing Program for the purpose of expanding the state’s supply of affordable housing for low income households.

(2) The department may use funds available pursuant to Article XI-Q of the Oregon Constitution and deposited in the Local Innovation and Fast Track Housing Program Fund established under ORS 458.490 to:

(a) Acquire, construct, remodel, repair, equip or furnish qualified property that is or

will be owned or operated by the State of Oregon for the purpose of providing affordable housing in this state for low income households; and

(b) Pay development costs to develop qualified property that may be considered part of the cost of a capital asset under generally accepted accounting principles.

(3) Interests in real property acquired by the State of Oregon or the department under this section are limited to the following:

(a) A fee simple interest in land or improvements;

(b) A leased fee interest, meaning an ownership interest with the rights of use and occupancy conveyed by lease to others;

(c) A tenancy in common for which the state's or department's interest in the property is proportionate to the contribution of the state or department to the property's purchase price;

(d) A fee simple interest in a condominium; or

(e) An easement, right of way, license or similar interest functionally related to and necessary for the use of qualified property acquired by the state or department.

(4) In funding the acquisition, construction, remodeling, repairing, equipping or furnishing of qualified property under the program, the department, with the advice and consent of the council, may:

(a) Adopt criteria that:

(A) Provide the greatest number of affordable housing units for the amount of funding provided;

(B) Ensure the longest possible use of the qualified property as affordable housing units;

(C) Optimize the function and duration of the affordable housing project; and

(D) Take into account the means to reduce the cost of the affordable housing project while considering factors such as the quality of construction, durability, location and local design requirements;

(b) Create restrictive covenants and other encumbrances or lien interests, create entities, cooperate or participate with persons or entities and contract with persons and entities; and

(c) Operate qualified property.

(5) Moneys made available through the program must be distributed or used statewide and concentrated in areas of this state with the greatest need for affordable housing, as determined by the department with the advice and consent of the council.

(6) For purposes of implementing the program, the council shall develop strategies to:

(a) Reach historically underserved communities, including communities of color and rural communities;

(b) Reduce the cost of acquiring, constructing, remodeling, repairing, equipping or furnishing qualified property that is owned or operated by the state for the purpose of providing affordable housing; and

(c) Involve Department of Human Services child welfare and self-sufficiency programs.

(7) The Director of the Housing and Community Services Department shall report regularly to the council regarding the status and progress of the program and of the Housing and Community Services Department's responsibilities for implementing and administering the program.

(8) The department, with the advice and consent of the council, shall adopt rules to implement the provisions of this section, including but not limited to prescribing requirements for acquiring, constructing, remodeling, repairing, equipping or furnishing qualified property that is owned or operated by the state for the purpose of providing affordable housing under the program. [2016 c.61 §2]

Note: See note under 458.480.

458.490 Local Innovation and Fast Track Housing Program Fund. (1) The Local Innovation and Fast Track Housing Program Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned on moneys in the Local Innovation and Fast Track Housing Program Fund shall be credited to the fund.

(2) The fund consists of moneys deposited into the fund pursuant to section 1 (6), chapter 685, Oregon Laws 2015.

(3) Moneys in the fund are continuously appropriated to the Housing and Community Services Department for:

(a) The purposes described in ORS 458.485;

(b) Payment of the costs incurred by the department to administer the fund; and

(c) Payment of bond-related costs, as defined in ORS 286A.816. [2016 c.61 §3]

Note: See note under 458.480.

Note: Section 5, chapter 61, Oregon Laws 2016, provides:

Sec. 5. Report on program. On or before February 1 of each of the years 2017, 2018 and 2019, the Housing and Community Services Department shall prepare and submit a report to the interim committees of the Legislative Assembly that have authority over the subject area of housing regarding the Local Inno-

vation and Fast Track Housing Program and the annual progress on implementation of the program. Each report shall include but is not limited to information regarding:

- (1) The amount of funds expended;
- (2) The number of affordable housing units in progress and developed; and
- (3) The location of the affordable housing units and geographic diversity. [2016 c.61 §5]

COMMUNITY SERVICES PROGRAMS

458.505 Community action agency network as delivery system for federal antipoverty programs; duties of Housing and Community Services Department. (1)

The community action agency network, established initially under the federal Economic Opportunity Act of 1964, shall be the delivery system for federal antipoverty programs in Oregon, including the Community Services Block Grant, Low Income Energy Assistance Program, State Department of Energy Weatherization Program and such others as may become available.

(2) Funds for such programs shall be distributed to the community action agencies by the Housing and Community Services Department with the advice of the Community Action Partnership of Oregon.

(3) In areas not served by a community action agency, funds other than federal community services funds may be distributed to and administered by organizations that are found by the Housing and Community Services Department to serve the antipoverty purpose of the community action agency network.

(4) In addition to complying with all applicable requirements of federal law, a community action agency shall:

(a) Be an office, division or agency of the designating political subdivision or a not for profit organization in compliance with ORS chapter 65.

(b) Have a community action board of at least nine but no more than 33 members, constituted so that:

(A) One-third of the members of the board are elected public officials currently serving or their designees. If the number of elected officials reasonably available and willing to serve is less than one-third of the membership, membership of appointed public officials may be counted as meeting the one-third requirement;

(B) At least one-third of the members are persons chosen through democratic selection procedures adequate to assure that they are representatives of the poor in the area served; and

(C) The remainder of the members are officials or members of business, industry,

labor, religious, welfare, education or other major groups and interests in the community.

(c) If the agency is a private not for profit organization, be governed by the Community Action Board. The board shall have all duties, responsibilities and powers normally associated with such boards, including, but not limited to:

(A) Selection, appointment and dismissal of the executive director of the agency;

(B) Approval of all contracts, grant applications and budgets and operational policies of the agency;

(C) Evaluation of programs; and

(D) Securing an annual audit of the agency.

(d) If the organization is an office, division or agency of a political subdivision, be administered by the board that shall provide for the operation of the agency and be directly responsible to the governing board of the political subdivision. The administering board at a minimum, shall:

(A) Review and approve program policy;

(B) Be involved in and consulted on the hiring and firing of the agency director;

(C) Monitor and evaluate program effectiveness;

(D) Ensure the effectiveness of community involvement in the planning process; and

(E) Assume all duties delegated to it by the governing board.

(e) Have a clearly defined, specified service area. Community action service areas may not overlap.

(f) Have an accounting system that meets generally accepted accounting principles and be so certified by an independent certified accountant.

(g) Provide assurances against the use of government funds for political activity by the community action agency.

(h) Provide assurances that no person shall, on the grounds of race, color, sex, sexual orientation or national origin be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity funded in whole or in part with funds made available through the community action program.

(i) Provide assurances the community action agency shall comply with any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified individual with disabilities as provided

in section 504 of the Rehabilitation Act of 1973.

(5) For the purposes of this section, the Oregon Human Development Corporation is eligible to receive federal community service funds and low-income energy assistance funds.

(6) The Housing and Community Services Department shall:

(a) Administer federal and state antipov-erty programs.

(b) Apply for all available antipov-erty funds on behalf of eligible entities as defined in this section.

(c) In conjunction with the Community Action Partnership of Oregon, develop a collaborative role in advocating for, and addressing the needs of, all low income Oregonians.

(d) Biennially produce and make available to the public a status report on efforts by it and state agencies to reduce the incidence of poverty in Oregon. This report shall contain figures regarding the numbers and types of persons living in poverty in Oregon. The report shall also describe the status of efforts by the department and the Department of Human Services to implement the state policy regarding homelessness described in ORS 458.528.

(e) On a regular basis provide information to the Community Action Partnership of Oregon on the activities and expenditures of the Housing and Community Services Department.

(f) As resources are available, provide resources for technical assistance, training and program assistance to eligible entities.

(g) As resources are available, provide resources pursuant to ORS 409.750 for the training and technical assistance needs of the Community Action Partnership of Oregon.

(h) Conduct a planning process to meet the needs of low income people in Oregon. That process shall fully integrate the Oregon Human Development Corporation into the antipov-erty delivery system. The planning process shall include development of a plan for minimum level of services and funding for low income migrant and seasonal farmworkers from the antipov-erty programs administered by the agency.

(i) Limit its administrative budget in an effort to maximize the availability of anti-pov-erty federal and state funds for expenditures by local eligible entities. [Formerly 184.802; 1997 c.249 §156; 2003 c.14 §289; 2003 c.186 §15; 2007 c.100 §28; 2009 c.64 §3; 2009 c.407 §2]

458.510 Energy Crisis Trust Fund. (1) There is established an Energy Crisis Trust Fund, separate and distinct from the General Fund, in the State Treasury. As permitted by federal court decisions, federal statutory requirements and administrative decisions, funds from the Petroleum Violation Escrow Fund made available to the Housing and Community Services Department for the Energy Crisis Trust Fund and any gift, grant, appropriation or donation for the purpose of the Energy Crisis Trust Fund shall be deposited by the State Treasurer and credited to the Energy Crisis Trust Fund. The State Treasurer shall credit monthly to the fund any interest or other income derived from the fund or the investing of the fund. All moneys in the fund are continuously appropriated to the Housing and Community Services Department for the purpose of providing low income home energy assistance.

(2) If moneys are donated to the fund for low income energy assistance by a home heating fuel or energy service provider that allows its customers to contribute to the program, that money so donated shall be redistributed through the Energy Crisis Trust Fund only within the service area of that home heating fuel or energy service provider.

(3) The Housing and Community Services Department shall contract with a private nonprofit or public organization or agency for the distribution of moneys in the Energy Crisis Trust Fund. The department or the contractor shall administer and distribute the funds in accordance with:

(a) The Low Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.); and

(b) The Petroleum Violation Escrow Fund regulations. [Formerly 184.803; 1997 c.249 §157; 2015 c.180 §17]

458.515 Oregon Housing Stability Council to advise and assist department regarding low income home energy assistance. The Oregon Housing Stability Council, in conjunction with the Community Action Partnership of Oregon, shall advise and assist the Housing and Community Services Department with rules, policies and programs regarding low income home energy assistance provided for under ORS 458.510. [Formerly 184.804; 1997 c.249 §158; 2007 c.70 §265; 2011 c.566 §1; 2015 c.180 §18]

458.525 Duties of Oregon Housing Stability Council in coordinating and monitoring homelessness relief efforts. The Oregon Housing Stability Council shall be responsible for receiving the recommendations of any state body relating to the issue of homelessness, and for forwarding the recommendations and proposals

to state agencies or other public or private organizations for action that the council deems appropriate:

(1) To ensure the coordination of state agency homelessness relief efforts;

(2) To ensure that homelessness relief efforts operate efficiently and effectively;

(3) To monitor the utilization of federal homelessness relief efforts and provide outreach to expand underutilized programs; and

(4) To encourage the coordination of state and local programs and public and private antipoverty programs. [1993 c.271 §1; 1997 c.249 §159; 2001 c.109 §1; 2001 c.900 §202; 2007 c.145 §1; 2009 c.407 §3; 2009 c.595 §939; 2012 c.37 §65; 2013 c.624 §34; 2015 c.180 §19; 2015 c.366 §94]

458.528 Policy on homelessness. (1) As used in this section, “homelessness” means the lack of a decent, safe, stable and permanent place to live that is fit for human habitation.

(2) The Legislative Assembly finds and declares that:

(a) Homelessness is a detriment to individuals, families and communities. The effects of homelessness impact quality of life, productivity and self-sufficiency, career and educational opportunities, health and wellness. Those effects may also extend to future generations.

(b) Preventing and ending homelessness is important for all levels of government, business and the community.

(3) The Housing and Community Services Department and the Department of Human Services shall serve as the lead agencies in administering the state policy regarding homelessness.

(4) It is the policy of this state that the Housing and Community Services Department, the Department of Human Services, the Oregon Housing Stability Council and the Community Action Partnership of Oregon work to encourage innovation by state, regional and local agencies that will create the comprehensive and collaborative support system and housing resources vital for a successful campaign to end and prevent homelessness. The comprehensive and collaborative support system should include, but not be limited to:

(a) The redesign of existing response systems to homelessness to include a realignment of services with permanent housing.

(b) The inclusion of community-based treatment, outreach services, early intervention strategies, housing and service management and an interagency system that can address individuals with compound needs.

(c) The coordination of multiagency services provided to people with chronic needs,

older adults and homeless and runaway youths, including but not limited to criminal justice, housing, public welfare, health, mental health and youth and family services, to create integrated and cost-effective programs that deliver housing and service needs of homeless persons in a seamless and timely manner.

(d) Programs of care for the homeless that have an accompanying set of outcomes to increase accountability and further development of more effective methods in reaching client outcome goals and cost effectiveness. Outcomes for increasing the accountability of programs of care for the homeless include shortening the length of stay in emergency housing, eliminating repeated periods of homelessness and addressing the issue of homelessness in all areas of the state.

(e) An individualized approach to the homeless person that includes an assessment of individual needs, identification of appropriate solutions that may include services, coordination and cost-effective use of support across agencies and appropriate monitoring and evaluation of the homeless person’s individual progress. [2009 c.407 §1; 2015 c.180 §20]

Note: 458.528 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 458 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

458.530 Policy on hunger. (1) The Department of Human Services shall serve as the lead public body in administering the state policy on hunger.

(2) The Legislative Assembly finds and declares that it is the policy of this state that:

(a) Hunger is defined as the state of being unable to obtain a nutritionally adequate diet from nonemergency food channels. Hunger is not one discrete event. Hunger is a series of events that lead up to and follow a lack of adequate food intake. It is the process in which people become at risk of hunger, attempt to cope with the problem and suffer a variety of health and social consequences.

(b) All persons have the right to be free from hunger.

(c) Freedom from hunger means all persons have food security. Persons lack food security if they are uncertain of having, or being able to acquire in socially acceptable ways, enough acceptable food at all times to meet basic needs because they have insufficient money or other resources for food.

(d) Oregon will strive to rank among the top states in the nation in providing food security without hunger.

(3) The Legislative Assembly declares that the policy of this state is to provide and encourage activities and programs necessary to fulfill the commitment stated in subsection (2) of this section and that the purpose of policies stated in this section is to provide a guide for the establishment, implementation and operation of activities and programs designed to alleviate or eradicate hunger in this state. The Legislative Assembly further declares that the activities and programs shall be initiated, promoted and developed through:

- (a) Volunteers and volunteer groups;
- (b) Public and private not-for-profit organizations;
- (c) Partnership with local governmental agencies;
- (d) Coordinated efforts of state agencies;
- (e) Coordination and cooperation with federal programs;
- (f) Partnership with private health and social service agencies; and
- (g) The Hunger Task Force. [Formerly 411.848; 2007 c.145 §2; 2009 c.407 §4; 2015 c.180 §21]

Note: 458.530, 458.532 and 458.545 were added to and made a part of ORS chapter 411 by legislative action but were not added to or made a part of ORS chapter 458 or any series therein. See Preface to Oregon Revised Statutes for further explanation.

458.532 Hunger Task Force. (1) The Hunger Task Force is established in the Department of Human Services. The task force shall consist of not more than 28 members appointed as follows:

- (a) The President of the Senate shall appoint one member from among members of the Senate.
- (b) The Senate Minority Leader shall appoint one member from among members of the Senate.
- (c) The Speaker of the House of Representatives shall appoint one member from among members of the House of Representatives.
- (d) The House Minority Leader shall appoint one member from among members of the House of Representatives.
- (e) The Director of Human Services, with the advice of the Director of the Oregon Health Authority, shall appoint the following:

(A) One member representing the Department of Education who has experience in child nutrition programs.

(B) One member representing the Department of Human Services who has experience in the Supplemental Nutrition Assistance Program.

(C) One member representing the Oregon Health Authority who has experience in the Women, Infants and Children program.

(D) One member representing the State Department of Agriculture.

(E) One member representing the Oregon Food Bank.

(F) One member representing United Way of America or a successor organization.

(G) One member representing an Oregon low-income advocacy group.

(H) One member who is a student at an institution of higher education.

(I) One member representing the Community Action Partnership of Oregon.

(J) One member representing the food retailing industry.

(K) One member representing the food growing and processing industries.

(L) One member who is a direct service provider.

(M) One member representing county government.

(N) One member representing the migrant community.

(O) Three members representing the religious community.

(P) One member representing the Housing and Community Services Department.

(Q) No more than six additional members having qualifications other than those of members described in subparagraphs (A) to (P) of this paragraph.

(2) A member serves for a three-year term. A member may be reappointed.

(3) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term. The appointing authority may appoint a replacement for any member of the task force who misses more than two consecutive meetings of the task force.

(4) One-half of the task force membership constitutes a quorum for the transaction of business.

(5) The Director of Human Services shall provide for the payment of appropriate task force operating expenses, including but not limited to staff support, based upon the availability of legislatively approved funding for such purposes. [Formerly 411.849; 2001 c.900 §203; 2007 c.145 §3; 2009 c.64 §4; 2009 c.595 §940; 2009 c.599 §21; 2015 c.180 §22]

Note: See note under 458.530.

458.535 [2007 c.145 §6; repealed by 2015 c.180 §34]

458.540 Short title for ORS 458.530 to 458.545. ORS 458.530 to 458.545 may be cited as the "Oregon Hunger Relief Act." [Formerly 411.851; 2005 c.22 §330]

458.545 Task force powers and duties. The Hunger Task Force shall:

(1) Serve within government and in the state at large as an advocate for hungry persons.

(2) Participate in coordinating the effective and efficient provision of services to hungry citizens so that the services will be readily available to the greatest number over the widest geographic area; assure that information on these services is available in each locality, utilizing whenever possible existing information services; and assure that each new service receives maximum publicity at the time it is initiated.

(3) Have authority to study programs and budgets of those public bodies or private entities willing to cooperate, and all state agencies, that provide services or funding directed at the alleviation or eradication of hunger.

(4) Have authority to study any concepts regarding the alleviation or eradication of hunger within this state.

(5) Make recommendations and proposals that the task force deems appropriate to the agencies and entities with member representatives on the task force. The recommendations shall be designed to provide coordination of programs for hungry persons, to avoid unnecessary duplication in provision of services, to point out gaps in provision of services and to recommend ways of filling gaps in services. The task force also shall recommend development of a comprehensive plan for delivery of services to hungry persons. In carrying out these tasks, the task force shall coordinate its efforts with other advisory groups or entities with similar or related responsibilities to avoid duplication of effort. After the recommendations and proposals have been reviewed and approved by the member representatives of the task force, the task force shall submit the recommendations and proposals to the Governor, the Legislative Assembly and others as deemed appropriate by the task force.

(6) Encourage, by expansion of existing activities and programs for the hungry, by school programs, by meals-on-wheels, by counseling or by other means, public and private development of nutrition programs for hungry citizens that prevent or minimize hunger and illness which is related to hunger or nutritional deficiencies.

(7) Conduct research and other appropriate activities to determine:

(a) The dimensions of hunger in the state;

(b) The availability and accessibility of emergency food in all areas of the state;

(c) The opportunities for public and private partnerships in the areas of food and nutrition;

(d) The participation rates of eligible persons in all federal food programs, especially the Supplemental Nutrition Assistance Program;

(e) The identification of persons needing food and nutrition services who are not eligible under existing programs;

(f) Barriers to the participation of eligible persons in food and nutrition programs; and

(g) The impact of economic changes on food and nutrition programs.

(8) Prepare and disseminate an annual report on the status of hunger in the state, efforts being made to alleviate and eradicate hunger, and proposals and recommendations for strengthening progress toward the eradication of hunger. [Formerly 411.850; 2007 c.145 §8; 2009 c.599 §22; 2015 c.180 §23]

Note: See note under 458.530.

458.555 Oregon Volunteers Commission for Voluntary Action and Service. (1) There is established the Oregon Volunteers Commission for Voluntary Action and Service within the Office of the Governor.

(2) The commission shall consist of at least 15 members appointed by the Governor and may consist of not more than 25 members appointed by the Governor.

(3) The term of office of each member is three years, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on the first day of the next following month. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term.

(4) The appointment of the members of the commission is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(5) A member of the commission is entitled to receive, from moneys available to the commission, actual and necessary travel and other expenses incurred in the performance of official duties as provided in ORS 292.495. [2001 c.848 §1; 2005 c.29 §1; 2017 c.725 §9]

Note: 458.555 to 458.575 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 458 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

458.558 Commission membership. (1)

The members of the Oregon Volunteers Commission for Voluntary Action and Service must be citizens of this state who have a proven commitment to community service and who have a demonstrated interest in fostering and nurturing citizen involvement as a strategy for strengthening communities and promoting the ethic of service in all sectors of this state.

(2) The Governor shall appoint as members of the commission at least one of each of the following:

(a) An individual with experience in educational, training and development needs of youth, particularly disadvantaged youth.

(b) An individual with experience in promoting involvement of older adults in service and volunteerism.

(c) A representative of community-based agencies or organizations within this state.

(d) The Deputy Superintendent of Public Instruction or designee.

(e) A representative of local governments in this state.

(f) A representative of local labor unions in this state.

(g) A representative of business.

(h) A person at least 16, but not more than 25, years of age who is a participant or supervisor in a national service program.

(i) A representative of a national service program described in 42 U.S.C. 12572(a).

(3) In addition to appointing members under subsection (2) of this section, the Governor may appoint as members individuals from the following groups:

(a) Educators.

(b) Experts in the delivery of human, educational, environmental or public safety services to communities and individuals.

(c) Members of Native American tribes.

(d) At-risk youths who are out of school.

(e) Entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

(4) In making appointments of members described in subsections (2) and (3) of this section, the Governor shall ensure that:

(a) No more than 50 percent of the appointed members are from the same political party; and

(b) No more than 25 percent of the appointed members are state employees. [2001 c.848 §3; 2005 c.29 §2; 2011 c.731 §24; 2012 c.97 §6; 2017 c.630 §10; 2017 c.725 §10]

Note: See note under 458.555.

458.560 Commission officers; meetings.

(1) The Oregon Volunteers Commission for Voluntary Action and Service shall select a commission member as chairperson and another as vice chairperson, for terms, and with duties and powers necessary for the performance of the functions of those offices, as the commission determines.

(2) A majority of the members of the commission constitutes a quorum for the transaction of business.

(3) The commission shall meet at least once every three months at a place, day and hour determined by the commission. The commission shall meet at other times and places specified by the call of the chairperson or of a majority of the members of the commission. [2001 c.848 §4; 2005 c.29 §3]

Note: See note under 458.555.

458.563 Director; employees; nonpolicy rules.

(1) The Oregon Volunteers Commission for Voluntary Action and Service shall appoint a director to serve at the pleasure of the Governor. The director must have experience and education in public administration or nonprofit management.

(2) The designation of the director must be by written order, filed with the Secretary of State.

(3) Subject to any applicable provisions of the State Personnel Relations Law, the director shall appoint all subordinate officers and employees of the commission, prescribe their duties and fix their compensation.

(4) The director of the commission shall report to, and comply with the directions of, the Office of the Governor in the development and administration of nonpolicymaking activities, including but not limited to rules and other directions for commission personnel, fiscal practices and purchasing of commission supplies. [2001 c.848 §5; 2003 c.639 §2; 2005 c.29 §4; 2017 c.725 §11]

Note: See note under 458.555.

458.565 Advisory and technical committees.

(1) The Oregon Volunteers Commission for Voluntary Action and Service may establish advisory and technical committees as the commission considers necessary to aid and advise the commission in the performance of commission functions. These committees may be continuing or temporary committees. The commission shall determine the representation, membership, terms and organization of the committees and shall appoint the committee members.

(2) Members of the committees are not entitled to compensation, but at the discretion of the commission may be reimbursed, from moneys available to the commission, for actual and necessary travel and other expenses incurred by them in the performance

of their official duties, as provided in ORS 292.495. [2001 c.848 §7; 2005 c.29 §5]

Note: See note under 458.555.

458.568 Commission duties. The Oregon Volunteers Commission for Voluntary Action and Service shall:

(1) Develop programs and provide oversight and administration of programs granted to this state by the Corporation for National and Community Service under the National and Community Service Trust Act of 1993, as amended, (P.L. 103-82).

(2) Prepare state applications to the Corporation for National and Community Service for financial assistance for state-based service programs.

(3) Develop a statewide plan that is designed to meet or exceed the Oregon benchmark on volunteerism.

(4) Develop projects, training methods, curriculum materials and other materials and activities related to state service programs that receive assistance directly from the Corporation for National and Community Service.

(5) To engage citizens in service and to strengthen communities, create statewide access for all Oregon citizens to a variety of volunteer opportunities by:

(a) Evaluating the status of volunteerism in the public, private and nonprofit sectors of this state;

(b) Examining methods to strengthen the capacity of volunteer organizations to support citizen involvement; and

(c) Educating all citizens about the importance of citizen involvement and voluntary action.

(6) Encourage youth and young adults to engage in their communities through voluntary action by:

(a) Assisting efforts to inform young Oregonians about opportunities for involvement in the public, private and nonprofit sectors;

(b) Promoting the value of service learning as an educational strategy in the kindergarten through higher educational systems; and

(c) Collaborating with groups to advocate for youth voice in the public, private and nonprofit governing structures.

(7) Promote recognition of volunteerism and service into the daily operation of public, private and nonprofit sectors throughout the state by:

(a) Promoting a statewide volunteer recognition plan open to all sectors; and

(b) Assisting efforts by Oregon communities to encourage citizen involvement in volunteerism.

(8) Biennially submit a report to the Governor and the Legislative Assembly as provided under ORS 192.230 to 192.245:

(a) Detailing commission activities during the preceding two-year period;

(b) Reviewing and summarizing, to the extent the commission deems relevant, the content of reports accepted by the commission on behalf of the Governor;

(c) Assessing the state of volunteerism in Oregon; and

(d) Containing specific recommendations for any additional legislation the commission deems necessary to carry out the purpose of the Oregon Volunteer and Community Service Act or to improve the effectiveness or efficiency of the commission. [2001 c.848 §2; 2005 c.29 §6; 2007 c.6 §3; 2012 c.97 §7; 2017 c.630 §11]

Note: See note under 458.555.

458.570 Additional duties. (1) The Oregon Volunteers Commission for Voluntary Action and Service shall act in all respects as the successor to the Oregon Commission for National and Community Service formed in response to the National and Community Service Trust Act of 1993.

(2) The Oregon Volunteers Commission for Voluntary Action and Service shall act at all times in compliance with the requirements imposed upon a state commission by the National and Community Service Trust Act of 1993 in effect on January 1, 2006. [2001 c.848 §9; 2005 c.29 §7]

Note: See note under 458.555.

458.573 Rules establishing standards and guidelines. In accordance with applicable provisions in ORS chapter 183, the Oregon Volunteers Commission for Voluntary Action and Service may adopt rules:

(1) Establishing standards and guidelines for applications for grants; and

(2) Establishing standards and requirements for administration of programs funded by grants. [2001 c.848 §6; 2005 c.29 §8]

Note: See note under 458.555.

458.575 Solicitation of moneys by commission. The Oregon Volunteers Commission for Voluntary Action and Service may apply for and accept grants, contributions and assistance from any federal, state or local government agency and any foundation, individual or organization for the purposes of:

(1) Performing commission duties under ORS 458.568;

(2) Implementing programs and policies necessary to carry out the duties, functions and powers of the commission; or

(3) Assisting citizens and public and private entities in implementing commission programs and policies adopted under the Oregon Volunteer and Community Service Act. [2001 c.848 §8; 2005 c.29 §9; 2007 c.6 §4]

Note: See note under 458.555.

458.577 Short title for ORS 458.578. ORS 458.578 may be cited as the Oregon Volunteer and Community Service Act. [2007 c.6 §1]

Note: 458.577 and 458.578 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 458 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

458.578 Goals for programs, citizen participation and volunteerism. (1) The Legislative Assembly declares that the purpose of this section is to promote the development of better communities by using citizen participation and volunteerism to foster greater civic responsibility.

(2) The Oregon Volunteers Commission for Voluntary Action and Service shall identify goals to develop and facilitate the initiation of public and private entity programs that will encourage and reward citizen participation and volunteerism. The programs developed and facilitated by the commission goals must have one or more of the following objectives:

(a) To place increased priority on citizen participation and volunteerism as a means for addressing complex problems facing Oregon communities.

(b) To encourage community leaders to implement strategies that recognize community volunteers as a valuable and much-needed asset for expanding civic responsibility.

(c) To promote the concept and practice of business and corporate volunteering, with emphasis on communities where business and corporate volunteering initiatives are less developed.

(d) To increase the enthusiasm, dedication and combined expertise of citizens and public and private entities for creating new ways to effectively use citizen participation and volunteerism in meeting the current and future challenges facing Oregon communities.

(e) To increase the alignment between community volunteer resources and the goals of the state.

(f) To implement policy and administrative changes that encourage and enable citizen participation and volunteerism by individuals.

(g) To encourage nonprofit agencies to increase effectiveness and efficiency by including the use of volunteers in their service delivery systems.

(h) To promote and support the concept of participation and volunteerism by all citizens as an effective means to address community needs and achieve a collective commitment to lifelong community service.

(i) To recognize National Volunteer Week as a time for encouraging citizens to participate in community service projects.

(j) To recognize the importance of individual volunteers and of volunteer and service organizations and to honor and celebrate the success of volunteers. [2007 c.6 §2; 2017 c.725 §12]

Note: See note under 458.577.

458.580 [2012 c.97 §3; 2017 c.725 §13; repealed by 2017 c.630 §1]

458.581 [2012 c.97 §4; repealed by 2017 c.630 §1]

458.582 [2012 c.97 §9; repealed by 2017 c.630 §1]

458.584 [2012 c.97 §5; repealed by 2017 c.630 §1]

458.585 Definitions for ORS 458.590 and 458.595. As used in ORS 458.590 and 458.595:

(1) “Child” means a person under 18 years of age.

(2) “Organizations and entities” means religious, charitable, scientific, educational, athletic or service organizations or local government entities that use volunteers.

(3) “Services” means the provision of care, treatment, education, training, instruction, supervision, transportation, recreation or support.

(4) “Unsupervised access” means a person is in the physical presence of a child or vulnerable person and:

(a) If in an enclosure, that no additional person aged 18 years or older is in the same enclosure as the person and the child or vulnerable person; or

(b) If outdoors, that no additional person aged 18 years or older:

(A) Is within 30 yards of the person and the child or vulnerable person; or

(B) Has visual contact with the person and with the child or vulnerable person.

(5) “Vulnerable person” means a person who:

(a) Is not a child;

(b) Is in need of services because of mental or other disability, age or illness; and

(c) Is unable to take care of themselves or protect themselves against exploitation or significant harm. [2007 c.82 §1]

Note: 458.585 to 458.595 were enacted into law by the Legislative Assembly but were not added to or made

a part of ORS chapter 458 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

458.590 Recommendations for screening of volunteers. The Oregon Volunteers Commission for Voluntary Action and Service shall adopt a set of recommended best practices for use by organizations and entities in screening volunteers. The commission shall give special attention to developing recommended best practices for screening volunteers who have unsupervised access to a child or vulnerable person. The commission shall:

(1) Develop practices that include, but need not be limited to, practices for screening and supervising volunteers; and

(2) Develop a recommendation for conducting a criminal records check before a volunteer assumes duties or provides services that may give the volunteer unsupervised access to a child or vulnerable person on a regular basis. [2007 c.82 §2]

Note: See note under 458.585.

458.595 Outreach program regarding organization and entity screening of volunteers. (1) The Oregon Volunteers Commission for Voluntary Action and Service shall establish and maintain an outreach program that makes available to organizations and entities information about:

(a) The best methods for screening and supervising volunteers;

(b) How to obtain a criminal records check of a volunteer;

(c) Confidentiality issues relating to criminal records check reports; and

(d) Keeping records of criminal records checks conducted by the organization or entity.

(2) The outreach program information made available under this section, including any recommendations contained in the program information, does not create a basis for imposing liability on persons that do not adhere to the program information. [2007 c.82 §3]

Note: See note under 458.585.

OREGON HOUSING FUND

458.600 Policy and intent. It is declared to be the policy and intent of the Legislative Assembly that the State of Oregon:

(1) Shall assist in improving the quality of life of homeless persons within this state by insuring the availability of an appropriate range of residential opportunities.

(2) Shall seek to reduce the number of homeless people in this state. [1991 c.736 §1]

458.605 Findings. The Legislative Assembly finds that:

(1) The number of people who are homeless is on the rise in this state, as across the nation.

(2) Homeless people can be found in every county and city in this state.

(3) Family members, including children, represent the majority of the increase in the homeless population.

(4) Facilitating housing for families with children reduces the need for other state services such as foster care and child abuse treatment.

(5) Facilitating shelter so that homeless people do not have to live outdoors or in cars reduces weather-related illness, thereby reducing health care costs and services required for this population.

(6) Developing affordable housing in Oregon is necessary to maintain the quality of life, create jobs and to further economic development. [1991 c.736 §2; subsection (6) enacted as 1991 c.740 §1]

458.610 Definitions for ORS 458.600 to 458.665. For purposes of ORS 458.600 to 458.665:

(1) "Council" means the Oregon Housing Stability Council established in ORS 456.567.

(2) "Department" means the Housing and Community Services Department established in ORS 456.555.

(3) "Low income" means income that is more than 50 percent and not more than 80 percent of the median family income for the area, subject to adjustment for areas with unusually high or low incomes or housing costs, all as determined by the council based on information from the United States Department of Housing and Urban Development.

(4) "Minority" means an individual:

(a) Who has origins in one of the black racial groups of Africa but who is not Hispanic;

(b) Who is of Hispanic culture or origin;

(c) Who has origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands; or

(d) Who is an American Indian or Alaskan Native having origins in one of the original peoples of North America.

(5) "Organization" means a:

(a) Nonprofit corporation established under ORS chapter 65;

(b) Housing authority established under ORS 456.055 to 456.235; or

(c) Local government as defined in ORS 197.015.

(6) "Persons with disabilities" means persons with handicaps described in 42 U.S.C. 3602(h).

(7) "Very low income" means income that is 50 percent or less of the median family income for the area, subject to adjustment for areas with unusually high or low incomes or housing costs, all as determined by the council based on information from the United States Department of Housing and Urban Development.

(8) "Veteran" has the meaning given that term in ORS 408.225. [1991 c.740 §2; 1995 c.79 §271; 2007 c.70 §266; 2009 c.18 §6; 2013 c.646 §2; 2015 c.180 §24; 2015 c.608 §1]

458.620 Oregon Housing Fund created; Housing Development and Guarantee Account, Emergency Housing Account, Home Ownership Assistance Account, Farmworker Housing Development Account, General Housing Account and Wildfire Damage Housing Relief Account created. (1) There is created, separate and distinct from the General Fund of the State Treasury, the Oregon Housing Fund, which consists of six separate revolving accounts:

- (a) The Housing Development and Guarantee Account;
- (b) The Emergency Housing Account;
- (c) The Home Ownership Assistance Account;
- (d) The Farmworker Housing Development Account;
- (e) The General Housing Account; and
- (f) The Wildfire Damage Housing Relief Account.

(2) Earnings on investment of moneys in:

- (a) The Housing Development and Guarantee Account accrue to that account.
- (b) The Emergency Housing Account accrue to that account.
- (c) The Home Ownership Assistance Account accrue to that account.
- (d) The Farmworker Housing Development Account accrue to that account.
- (e) The General Housing Account accrue to that account.
- (f) The Wildfire Damage Housing Relief Account accrue to that account.

(3)(a) Moneys in the Housing Development and Guarantee Account are continuously appropriated to the Housing and Community Services Department to carry out the provisions of ORS 458.625 and 458.630.

(b) Moneys in the Emergency Housing Account are continuously appropriated to the

department to carry out the provisions of ORS 458.650.

(c) Moneys in the Home Ownership Assistance Account are continuously appropriated to the department to carry out the provisions of ORS 458.655.

(d) Moneys in the Farmworker Housing Development Account are continuously appropriated to the department to carry out the provisions of ORS 458.660.

(e) Moneys in the General Housing Account are continuously appropriated to the department to carry out the provisions of ORS 456.515 to 456.725.

(f) Moneys in the Wildfire Damage Housing Relief Account are continuously appropriated to the department to carry out the provisions of ORS 458.667.

(4) Individuals and corporations, both for profit or nonprofit, may make monetary contributions to be credited to:

(a) The Housing Development and Guarantee Account; or

(b) The General Housing Account. [1991 c.740 §§3,8; 1995 c.174 §1; 2001 c.310 §§2,3; 2009 c.18 §8; 2015 c.737 §2]

458.625 Use of account moneys and investment revenue; grant and loan preferences; revenue retention; policy based on need; interest rate. (1) The Housing and Community Services Department may use the following to expand this state's supply of housing for persons with a low or very low income, including, but not limited to, housing for persons over 65 years of age, persons with disabilities, farmworkers and Native Americans:

(a) The amount of moneys credited to the Housing Development and Guarantee Account that the department determines may be used for the purposes identified in this subsection and that is not used for the purposes set forth in ORS 458.630; and

(b) The revenue earned from investment of the principal in the Housing Development and Guarantee Account.

(2) The department may use account moneys and account investment revenue for the following purposes:

(a) In the form of grants or loans as determined by the department:

(A) To assist organizations and for-profit business entities in constructing new housing, or in acquiring or rehabilitating existing structures, for housing for persons with a low or very low income.

(B) To provide nonprofit organizations, as set forth in ORS 458.210 to 458.240, with technical assistance or predevelopment costs. Predevelopment costs include, but are not

limited to, site acquisition, architectural services and project consultants. Predevelopment costs do not include costs described in subparagraph (C) of this paragraph.

(C) To pay for costs to develop nonprofit organizations that show sufficient evidence of having strong community support and a strong likelihood of producing housing for persons with a low or very low income. Account moneys and account investment revenue may not be used by an organization for its general operations.

(D) To match public and private moneys available from other sources for production of housing for persons with a low or very low income.

(b) To pay costs and expenses incurred in the administration of the account as provided for in the legislatively approved budget, as that term is defined in ORS 291.002, for the department.

(3) The department shall give preference in making grants or loans to those entities that the department determines will:

(a) Provide the greatest number of housing units for persons with a low or very low income that are constructed, acquired or rehabilitated for the amount of account moneys and account investment revenue expended by matching account moneys and account investment revenue with other grant, loan or eligible in-kind contributions;

(b) Ensure the longest use for the units as housing for persons with a low or very low income; or

(c) Include social services to occupants of the proposed housing, including but not limited to, programs that address home health care, mental health care, alcohol and drug treatment and post-treatment care, child care and case management.

(4)(a) Account investment revenue derived in any calendar year may be used to construct, acquire or rehabilitate housing for persons with a low or very low income but not more than 25 percent of the account investment revenue may be used to construct, acquire or rehabilitate housing for persons with a low income.

(b) Account moneys and account investment revenue not used by the department as grants or loans to construct, acquire or rehabilitate housing for persons with a low or very low income may be retained and credited as account principal.

(5) The Oregon Housing Stability Council shall adopt a policy that provides for distribution by the department of account moneys and account investment revenue statewide while concentrating account moneys and account investment revenue in those areas of

this state with the greatest need, as determined by the council, for housing for persons with a low or very low income.

(6) The department may set interest rates on loans made with account moneys and account investment revenue. [1991 c.740 §5; 1999 c.283 §1; 2003 c.743 §5; 2007 c.70 §267; 2011 c.169 §1; 2011 c.605 §1; 2015 c.180 §25; 2015 c.608 §2]

458.630 Use of funds in Housing Development and Guarantee Account; preferences; rules. (1)(a) The Housing and Community Services Department may hold and use the principal that is credited to the Housing Development and Guarantee Account as the Guarantee Fund. The department may use the fund to guarantee repayment of loans made to finance the construction, development, acquisition or rehabilitation of:

(A) Housing for persons with a low or very low income; or

(B) The commercial component of a structure that contains both commercial property and housing for persons with a low or very low income.

(b) The department, by rule, shall specify the grounds on which it may deny loan guarantees for a structure that contains both housing for persons with a low or very low income and a commercial component. The grounds for denial specified by the department must include, but need not be limited to, a commercial component that is excessive in scope or that is designed for commercial activity of a type incompatible with residential housing.

(c) The Oregon Housing Stability Council shall review loans that are guaranteed by the fund to ensure that the loans meet prudent underwriting standards.

(d) A guarantee may not be prepared or construed in such a manner as to violate the provisions of Article XI, section 7, of the Oregon Constitution.

(2) The department may not issue any loan guarantee under this section that guarantees the repayment of more than 50 percent of the original principal balance of any loan.

(3) The department may not issue a loan guarantee if the guarantee would cause the aggregate dollar amount of all loan guarantees issued by the department under this section to exceed two times the total amount then in the Guarantee Fund established under subsection (1) of this section. Notwithstanding ORS 458.625, whenever payouts on loan guarantees cause the fund principal to decrease by five percent or more, the interest on the fund shall be deposited only to the principal account until the amount of the

fund principal lost due to payouts on loan guarantees is restored.

(4) Subject to council review under subsection (1) of this section, the department shall give preference for loan guarantees under this section to loans described in subsection (1)(a) of this section that the department determines will:

(a) Provide the greatest number of housing units for persons with a low or very low income constructed, acquired, developed or rehabilitated for the amount of guarantee allowed;

(b) Ensure the longest possible use for the units as housing units for persons with a low or very low income; or

(c) Include a program of services for the occupants of the proposed housing including, but not limited to, programs that address home health care, mental health services, alcohol and drug treatment and post-treatment care, child care and case management.

(5) The council may adopt a policy that gives loan guarantee preference to loans for housing or structures described in subsection (1)(a) of this section for which the department has provided a grant, loan, tax credit or other investment. [1991 c.740 §6; 1993 c.2 §1; 1997 c.329 §1; 2003 c.20 §1; 2003 c.743 §6; 2007 c.607 §25; 2015 c.180 §26; 2015 c.608 §3]

458.650 Disbursement of funds in Emergency Housing Account; grant policies. (1) The Emergency Housing Account shall be administered by the Housing and Community Services Department to assist homeless persons and those persons who are at risk of becoming homeless. An amount equal to 25 percent of moneys deposited in the account pursuant to ORS 294.187 is dedicated for expenditure for assistance to veterans who are homeless or at risk of becoming homeless. For purposes of this section, "account" means the Emergency Housing Account.

(2) The Oregon Housing Stability Council, with the advice of the Community Action Partnership of Oregon, shall develop policy for awarding grants to organizations that shall use the funds:

(a) To provide to low and very low income persons, including but not limited to, persons more than 65 years of age, persons with disabilities, farmworkers and Native Americans:

(A) Emergency shelters and attendant services;

(B) Transitional housing services designed to assist persons to make the transition from homelessness to permanent housing and economic independence;

(C) Supportive housing services to enable persons to continue living in their own homes or to provide in-home services for such persons for whom suitable programs do not exist in their geographic area;

(D) Programs that provide emergency payment of home payments, rents or utilities; or

(E) Some or all of the needs described in subparagraphs (A) to (D) of this paragraph.

(b) To align with federal strategies and resources that are available to prevent and end homelessness.

(3)(a) The council shall require as a condition of awarding a grant that the organization demonstrate to the satisfaction of the council that the organization has the capacity to deliver any service proposed by the organization.

(b) Any funds granted under this section shall not be used to replace existing funds. Funds granted under this section may be used to supplement existing funds. An organization may use funds to support existing programs or to establish new programs.

(c) The council, by policy, shall give preference in granting funds to those organizations that coordinate services with those programs established under ORS 458.625.

(4) The department may expend funds from the account for administration of the account as provided for in the legislatively approved budget, as that term is defined in ORS 291.002, for the department. [1991 c.740 §7; 2007 c.70 §268; 2011 c.605 §2; 2013 c.646 §3; 2015 c.180 §27; 2017 c.350 §1]

458.655 Disbursement of moneys in Home Ownership Assistance Account; grant preferences. (1) The Home Ownership Assistance Account shall be administered by the Housing and Community Services Department to expand this state's supply of homeownership housing for low and very low income families and individuals, including, but not limited to, persons over 65 years of age, persons with disabilities, minorities, veterans and farmworkers. An amount equal to 25 percent of moneys deposited in the account pursuant to ORS 294.187 is dedicated for expenditure to expand this state's supply of homeownership housing for low and very low income veterans and families of veterans. The Oregon Housing Stability Council shall have a policy of distributing funds statewide while concentrating funds in those areas of this state with the greatest need, as determined by the council, for low and very low income homeownership housing. However, the council's policy of distributing funds may differ from the distribution policy for the Housing Development and Guarantee Account.

(2) Funds in the Home Ownership Assistance Account shall be granted to organizations that both sponsor and manage low income homeownership programs, including lease-to-own programs, for the construction of new homeownership housing or for the acquisition or rehabilitation of existing structures for homeownership housing for persons of low or very low income, or both.

(3) The council shall develop a policy for disbursing grants for any or all of the following purposes:

(a) To aid low income homeownership programs, including program administration, in purchasing land, providing assistance with down payment costs, or providing homeownership training and qualification services or any combination thereof. Funds in the Home Ownership Assistance Account may not be used by an organization to pay for its general operations or to pay for more than 25 percent of construction or rehabilitation costs.

(b) To match public and private moneys available from other sources for purposes of the provision of low or very low income homeownership housing.

(c) To administer the Home Ownership Assistance Account as provided for in the legislatively approved budget, as that term is defined in ORS 291.002, for the department.

(4) The council, in developing policy under subsection (3) of this section, shall give preference in making grants to those entities that propose to:

(a) Provide the greatest number of low and very low income homeownership housing units constructed, acquired or rehabilitated for the amount of account money expended by matching account funds with other grant, loan or eligible in-kind contributions;

(b) Ensure the longest use for the units as low or very low income homeownership housing units, such as by including some form of equity recapture, land trust or shared equity provisions, as determined by the council;

(c) Include social services for occupants and proposed occupants of the proposed housing, including but not limited to, programs that address home health care, mental health care, alcohol and drug treatment and post-treatment care, child care, homeownership training, mortgage qualification service, credit repair and case management; and

(d) Support a comprehensive strategy to reverse the decreasing rates of homeownership among minorities, giving priority to activities that support adopted comprehensive community plans that incorporate recognized best practices or demonstrate

proven success in increasing homeownership for minorities. [1995 c.174 §3; 2007 c.70 §269; 2009 c.18 §7; 2011 c.605 §3; 2013 c.646 §4; 2015 c.180 §28]

458.660 Disbursement of moneys in Farmworker Housing Development Account. (1) Except as provided in subsection (2) of this section, the Housing and Community Services Department shall disburse the moneys credited to the Farmworker Housing Development Account to expand this state's supply of housing for low and very low income farmworkers.

(2) The department may expend funds from the account for administration of the account as provided for in the legislatively approved budget, as that term is defined in ORS 291.002, for the department. [2001 c.310 §1; 2011 c.605 §4]

458.665 Disbursement of moneys in General Housing Account; rules. (1) The Housing and Community Services Department shall administer the General Housing Account.

(2) The department shall disburse moneys credited to the account to accomplish the purposes described in ORS 456.515 to 456.725, except that 25 percent of moneys deposited in the account pursuant to ORS 294.187 is dedicated for expenditure to meet the critical housing needs of veterans in this state.

(3) The department may disburse moneys in the account by contract, grant, loan or otherwise as the department determines necessary.

(4) The department may set interest rates on loans made with moneys in the account.

(5) The department shall establish guidelines for the types of loans financed with moneys in the account by rule.

(6) The department may use moneys in the account to pay allowable administrative expenses incurred under ORS 456.515 to 456.725.

(7) The department may, in the director's discretion, return moneys received for deposit in the account to the original source of the moneys.

(8) The department may accept moneys for deposit in the account pursuant to ORS 458.620 (4) and enter into agreements regarding the use of moneys deposited with the original source of the moneys.

(9) The department shall adopt rules that:

(a) Subject to subsection (2) of this section, govern the allocation of moneys deposited in the account to best meet critical housing needs and build organizational capacity of partners throughout this state; and

(b) Consistent with subsection (10) of this section, require equitable distribution of resources over time based on objective mea-

asures of need, including the number and percentage of low and very low income households in an area.

(10) The Oregon Housing Stability Council shall adopt a policy that provides for distribution by the department of account moneys and account investment revenue statewide while concentrating account moneys and account investment revenue in those areas of this state with the greatest need, as determined by the council, for housing for persons with a low or very low income. [2009 c.18 §10; 2013 c.646 §5; 2015 c.608 §4]

458.667 Wildfire Damage Housing Relief Account; grants; pro rata reduction.

(1) As used in this section:

(a) “Households of lower income” means persons or families residing in this state whose federal adjusted gross income for the tax year preceding the year in which a loss of housing due to wildfire occurs does not exceed 200 percent of the federal poverty guidelines.

(b) “Wildfire” has the meaning given that term in ORS 477.089.

(2) The Housing and Community Services Department shall administer the Wildfire Damage Housing Relief Account to assist households of lower income that suffer a loss of housing due to a wildfire. Except as provided in this section, the department shall provide assistance from the account as grants in the amount of \$7,000 each. The department may reduce or refuse assistance from the account if the household has received insurance proceeds or other compensation for all or part of the loss of housing.

(3) Notwithstanding the grant amount specified in subsection (2) of this section, if the full payment of valid claims for assistance under this section would exceed the available balance of the account, the department may make a pro rata reduction in grant amounts to increase the number of claimants who receive assistance.

(4) The department may expend funds from the account to pay administrative expenses incurred under this section.

(5) Any moneys that the department provides as assistance under this section, and any administrative expenses incurred by the department in providing assistance under this section, are objectively verifiable monetary losses for purposes of ORS 477.089. Any moneys recovered by the department for those losses shall be deposited to the account. [2015 c.737 §1; 2017 c.661 §1]

Note: 458.667 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 458 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

INDIVIDUAL DEVELOPMENT ACCOUNTS

458.670 Definitions for ORS 458.670 to 458.700. As used in this section and ORS 458.675 to 458.700, unless the context requires otherwise:

(1) “Account holder” means a resident of this state who:

(a) Is 12 years of age or older;

(b) Is a member of a lower income household; and

(c) Has established an individual development account with a fiduciary organization.

(2) “Fiduciary organization” means an organization selected under ORS 458.695 to administer state moneys directed to individual development accounts and that is:

(a) A nonprofit, fund raising organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code as amended and in effect on December 31, 2016; or

(b) A federally recognized Oregon Indian tribe that is located, to a significant degree, within the boundaries of this state.

(3) “Financial institution” means:

(a) An organization regulated under ORS chapters 706 to 716 or 723; or

(b) In the case of individual development accounts established for the purpose described in ORS 458.685 (1)(c), a financial institution as defined in ORS 178.300.

(4) “Individual development account” means a contract between an account holder and a fiduciary organization, for the deposit of funds into a financial institution by the account holder, and the deposit of matching funds into the financial institution by the fiduciary organization, to allow the account holder to accumulate assets for use toward achieving a specific purpose approved by the fiduciary organization.

(5) “Lower income household” means a household having an income equal to or less than the greater of the following:

(a) 80 percent of the median household income for the area as determined by the Housing and Community Services Department. In making the determination, the department shall give consideration to any data on area household income published by the United States Department of Housing and Urban Development.

(b) 200 percent of the poverty guidelines as determined by the Housing and Community Services Department. In making the determination, the department shall give consideration to poverty guidelines published by the United States Department of Health

and Human Services and may consider other income data periodically published by other federal or Oregon agencies.

(6) “Resident of this state” has the meaning given that term in ORS 316.027. [1999 c.1000 §1; 2001 c.648 §3; 2007 c.765 §2; 2008 c.45 §16; 2009 c.5 §26; 2009 c.63 §1; 2009 c.541 §22; 2009 c.909 §29; 2010 c.82 §31; 2011 c.7 §26; 2012 c.31 §26; 2013 c.377 §26; 2014 c.52 §28; 2015 c.442 §20; 2016 c.33 §24; 2017 c.527 §25]

Note: 458.670 to 458.700 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 458 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

458.675 Legislative findings. The Legislative Assembly finds that:

(1) The problem of poverty will not be solved solely by government programs and income subsidies.

(2) Family economic well-being does not come solely from income, spending or consumption, but instead requires savings, investment and the accumulation of assets.

(3) It is appropriate for the state to institute an asset-based antipoverty strategy.

(4) The state has an opportunity to take advantage of private and federal resources by making the transition to an asset-based antipoverty strategy. Those resources include, but are not limited to, the Assets for Independence Act (42 U.S.C. 604) and the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

(5) Investment through an individual development account system will help lower income households obtain the assets they need to succeed. Communities and this state will experience resultant economic and social benefits accruing from the promotion of job training and higher education, home ownership and small business development.

(6) It is desirable for this state to enact legislation that enables an authorized fiduciary organization sufficient flexibility to receive private, state and federal moneys for individual development accounts. The Legislative Assembly should periodically review the provisions of ORS 458.675 to 458.700 to ensure that this state maximizes the receipt of available federal moneys for individual development accounts. [1999 c.1000 §2; 2017 c.185 §12; 2017 c.297 §35]

Note: See note under 458.670.

458.680 Persons qualifying as account holders. (1) A person who qualifies to become an account holder may enter into an agreement with a fiduciary organization for the establishment of an individual development account.

(2) To become an account holder a person must, in addition to meeting any other qualifications, be a member of a lower income

household that has a net worth of less than \$20,000. As used in this subsection, “net worth” means the value of all assets owned in whole or part by household members, excluding equity in a residence and in one vehicle, and excluding holdings in pension accounts, as defined by the Housing and Community Services Department by rule, that are valued at less than \$60,000, minus the total debts and obligations of household members, all as measured at the time that the person applies to establish the account.

(3) Every account holder, with support from the fiduciary organization, shall develop a personal development plan to advance account holder self-reliance. The personal development plan must include appropriate coaching, mentorship, social support, financial adequacy training and asset-specific training designed to increase the independence of the person and the person’s household through achievement of the account’s approved purpose.

(4) Notwithstanding subsection (1) of this section, a fiduciary organization may refuse to allow a qualified person to establish an account if establishment of the account would result in the members of a lower income household having more than one account. Notwithstanding subsection (1) of this section, a fiduciary organization shall refuse to allow a qualified person to establish an account if establishment of the account would result in the members of a lower income household having more than two accounts. [1999 c.1000 §3; 2007 c.765 §3; 2013 c.270 §1]

Note: See note under 458.670.

458.685 Approved purpose of account; emergency withdrawal; withdrawal upon achievement of account purpose; removal of account holder from program. (1) A person may establish an individual development account only for a purpose approved by a fiduciary organization. Purposes that the fiduciary organization may approve are:

(a) The acquisition of post-secondary education or job training.

(b) If the account holder has established the account for the benefit of a household member who is under the age of 18 years, the payment of extracurricular nontuition expenses designed to prepare the member for post-secondary education or job training.

(c) If the account holder has established a savings network account for higher education under ORS 178.300 to 178.355 on behalf of a designated beneficiary, the funding of qualified higher education expenses as defined in ORS 178.300 by one or more deposits into a savings network account for higher education on behalf of the same designated beneficiary.

(d) The purchase of a primary residence. In addition to payment on the purchase price of the residence, account moneys may be used to pay any usual or reasonable settlement, financing or other closing costs. The account holder must not have owned or held any interest in a residence during the three years prior to making the purchase. However, this three-year period shall not apply to displaced homemakers, individuals who have lost home ownership as a result of divorce or owners of manufactured homes.

(e) The rental of a primary residence when housing stability is essential to achieve state policy goals. Account moneys may be used for security deposits, first and last months' rent, application fees and other expenses necessary to move into the primary residence, as specified in the account holder's personal development plan for increasing the independence of the person.

(f) The capitalization of a small business. Account moneys may be used for capital, plant, equipment and inventory expenses and to hire employees upon capitalization of the small business, or for working capital pursuant to a business plan. The business plan must have been developed by a financial institution, nonprofit microenterprise program or other qualified agent demonstrating business expertise and have been approved by the fiduciary organization. The business plan must include a description of the services or goods to be sold, a marketing plan and projected financial statements.

(g) Improvements, repairs or modifications necessary to make or keep the account holder's primary dwelling habitable, accessible or visitable for the account holder or a household member. This paragraph does not apply to improvements, repairs or modifications made to a rented primary dwelling to achieve or maintain a habitable condition for which ORS 90.320 (1) places responsibility on the landlord. As used in this paragraph, "accessible" and "visitable" have the meanings given those terms in ORS 456.508.

(h) The purchase of equipment, technology or specialized training required to become competitive in obtaining or maintaining employment or to start or maintain a business, as specified in the account holder's personal development plan for increasing the independence of the person.

(i) The purchase or repair of a vehicle, as specified in the account holder's personal development plan for increasing the independence of the person.

(j) The saving of funds for retirement, as specified in the account holder's personal development plan for increasing the independence of the person.

(k) The payment of debts owed for educational or medical purposes when the account holder is saving for another allowable purpose, as specified in the account holder's personal development plan for increasing the independence of the person.

(L) The creation or improvement of a credit score by obtaining a secured loan or a financial product that is designed to improve credit, as specified in the account holder's personal development plan for increasing the independence of the person.

(m) The replacement of a primary residence when replacement offers significant opportunity to improve habitability or energy efficiency.

(2)(a) If an emergency occurs, an account holder may withdraw all or part of the account holder's deposits to an individual development account for a purpose not described in subsection (1) of this section. As used in this paragraph, "emergency" includes making payments for necessary medical expenses, to avoid eviction of the account holder from the account holder's residence and for necessary living expenses following a loss of employment.

(b) The account holder must reimburse the account for the amount withdrawn under this subsection within 12 months after the date of the withdrawal. Failure of an account holder to make a timely reimbursement to the account is grounds for removing the account holder from the individual development account program. Until the reimbursement has been made in full, an account holder may not withdraw any matching deposits or accrued interest on matching deposits from the account.

(3) If an account holder withdraws moneys from an individual development account for other than an approved purpose, the fiduciary organization may remove the account holder from the program.

(4)(a) If the account holder of an account established for the purpose set forth in subsection (1)(c) or (j) of this section has achieved the account's approved purpose in accordance with the personal development plan developed by the account holder under ORS 458.680, the account holder may withdraw, or authorize the withdrawal of, the remaining amount of all deposits, including matching deposits, and interest in the account as follows:

(A) For an account established for the purpose set forth in subsection (1)(c) of this section, by rolling over the entire withdrawal amount, not to exceed the limit established pursuant to ORS 178.335, into one or more of the savings network accounts for higher education under ORS 178.300 to 178.355, the

establishment of which is the purpose of the individual development account; or

(B) For an account established for the purpose set forth in subsection (1)(j) of this section, by rolling over the entire withdrawal amount into an individual retirement account, a retirement plan or a similar account or plan established under the Internal Revenue Code.

(b) Upon withdrawal of all moneys in the individual development account as provided in paragraph (a) of this subsection, the account relationship shall terminate.

(c) The rollover of moneys into a savings network account for higher education under this subsection may not cause the amount in the savings network account for higher education to exceed the limit on total contributions established pursuant to ORS 178.335.

(d) Any amount of the rollover that has been subtracted on the taxpayer's federal return pursuant to section 219 of the Internal Revenue Code shall be added back in the determination of taxable income.

(5) If an account holder moves from the area where the program is conducted or is otherwise unable to continue in the program, the fiduciary organization may remove the account holder from the program.

(6) If an account holder is removed from the program under subsection (2), (3) or (5) of this section, all matching deposits in the account and all interest earned on matching deposits shall revert to the fiduciary organization. The fiduciary organization shall use the reverted funds as a source of matching deposits for other accounts. [1999 c.1000 §4; 2001 c.648 §4; 2003 c.280 §18; 2007 c.765 §4; 2015 c.701 §6a; 2015 c.843 §20; 2016 c.30 §8]

Note: See note under 458.670.

458.690 Required account features; rules. (1) Notwithstanding ORS 315.271, a fiduciary organization selected under ORS 458.695 may qualify as the recipient of account contributions that qualify the contributor for a tax credit under ORS 315.271 only if the fiduciary organization structures the accounts to have the following features:

(a) The fiduciary organization matches amounts deposited by the account holder according to a formula established by the fiduciary organization. The fiduciary organization shall maintain on deposit in the account not less than \$1 nor more than \$5 for each \$1 deposited by the account holder.

(b) The matching deposits by the fiduciary organization to the individual development account are placed in:

(A) A savings account jointly held by the account holder and the fiduciary organiza-

tion and requiring the signatures of both for withdrawals;

(B) A savings account that is controlled by the fiduciary organization and is separate from the savings account of the account holder; or

(C) In the case of an account established for the purpose described in ORS 458.685 (1)(c), a savings network account for higher education under ORS 178.300 to 178.355, in which the fiduciary organization is the account owner as defined in ORS 178.300.

(2) Account holders may not accrue more than \$3,000 of matching funds under subsection (1) of this section from state-directed moneys in any 12-month period. A fiduciary organization may designate a lower amount as a limit on annual matching funds. A fiduciary organization shall maintain on deposit sufficient funds to cover the matching deposit agreements for all individual development accounts managed by the organization.

(3) The Housing and Community Services Department shall adopt rules to establish a maximum total amount of state-directed moneys that may be deposited as matching funds into an individual development account. [1999 c.1000 §5; 2001 c.648 §5; 2003 c.280 §19; 2007 c.765 §5; 2015 c.843 §21]

Note: Section 9, chapter 765, Oregon Laws 2007, provides:

Sec. 9. A credit may not be claimed under ORS 315.271 and 458.690 for tax years beginning on or after January 1, 2022. [2007 c.765 §9; 2015 c.701 §7]

Note: See note under 458.670.

458.695 Selection of fiduciary organizations. The Housing and Community Services Department may select fiduciary organizations to administer moneys directed by the state to individual development account purposes. In making the selections, the department shall consider factors including, but not limited to:

(1) The ability of the fiduciary organization to implement and administer the individual development account program, including the ability to verify account holder eligibility, certify that matching deposits are used only for approved purposes and exercise general fiscal accountability;

(2) The capacity of the fiduciary organization to provide or raise matching funds for the deposits of account holders;

(3) The capacity of the fiduciary organization to provide appropriate support services and general assistance to advance account holder self-reliance; and

(4) The links that the fiduciary organization has to other activities and programs designed to increase the independence of this state's lower income households through ed-

ucation and training, home ownership and small business development. [1999 c.1000 §6; 2007 c.765 §6]

Note: See note under 458.670.

458.700 Authority of fiduciary organizations; rules. (1) Subject to Housing and Community Services Department rules, a fiduciary organization has sole authority over, and responsibility for, the administration of individual development accounts. The responsibility of the fiduciary organization extends to all aspects of the account program, including marketing to participants, soliciting matching contributions, counseling account holders, providing financial literacy education, and conducting required verification and compliances activities. The fiduciary organization may establish program provisions as the organization believes necessary to ensure account holder compliance with the provisions of ORS 458.680 and 458.685. Notwithstanding ORS 458.670 (5) and 458.680 (2), a fiduciary organization may establish income and net worth limitations for account holders that are lower than the income and net worth limitations established by ORS 458.670 (5) and 458.680 (2).

(2) A fiduciary organization may act in partnership with other entities, including businesses, government agencies, nonprofit organizations, community development corporations, community action programs, housing authorities and congregations to assist in the fulfillment of fiduciary organization responsibilities under this section and ORS 458.685, 458.690 and 458.695.

(3) A fiduciary organization may use a reasonable portion of moneys allocated to the individual development account program for administration, operation and evaluation purposes.

(4) A fiduciary organization selected to administer moneys directed by the state to individual development account purposes or receiving tax deductible contributions shall provide the Housing and Community Services Department with an annual report of the fiduciary organization's individual development account program activity. The report shall be filed no later than 90 days after the end of the fiscal year of the fiduciary organization. The report shall include, but is not limited to:

(a) The number of individual development accounts administered by the fiduciary organization;

(b) The amount of deposits and matching deposits for each account;

(c) The purpose of each account;

(d) The number of withdrawals made; and

(e) Any other information the department may require for the purpose of making a return on investment analysis.

(5) A fiduciary organization that is the account owner of a savings network account for higher education under ORS 178.300 to 178.355:

(a) May make a qualified withdrawal only at the direction of the designated beneficiary and only after the savings network account of the account holder that was established for the designated beneficiary has been reduced to a balance of zero exclusively through qualified withdrawals by the designated beneficiary; and

(b) May make nonqualified withdrawals only if the savings network account of the account holder that was established for the designated beneficiary has a balance of less than \$100 or if the account holder or designated beneficiary has granted permission to make the withdrawal. Moneys received by a fiduciary organization from a nonqualified withdrawal made under this paragraph must be used for individual development account purposes.

(6) The department may make all reasonable and necessary rules to ensure fiduciary organization compliance with this section and ORS 458.685 and 458.695. [1999 c.1000 §7; 2001 c.648 §6; 2003 c.280 §20; 2007 c.765 §10; 2015 c.701 §10; 2015 c.843 §§22,23]

Note: See note under 458.670.

COMMUNITY DEVELOPMENT PROJECTS

458.705 Legislative findings. The Legislative Assembly finds that:

(1) The population of the state is growing and is expected to continue growing well into the 21st century. That population growth is uneven, resulting in some places struggling to manage new people, jobs and building, and other places being eager to attract a share of growth and economic development. A community's pattern of development can accommodate a growing population and help rebuild rural and distressed economies while maintaining the state's quality of life. Downtown areas need to be revitalized to accommodate more business and civic activity. Affordable housing must be developed near job centers. Rural and distressed communities need to be rebuilt to allow all sectors of the state to share in economic prosperity.

(2) Numerous barriers exist to achieving vibrant downtown areas and community centers, ample affordable housing and thriving rural economies. Overcoming those barriers will require the state to work in partnership with local communities, the private sector

and community-based groups to provide livability. Regulations must be balanced with incentives. Private sector financing must be better leveraged. Local planning and zoning codes must allow the redevelopment of strategic infill sites. The needs of working families for housing, transportation and services that are affordable and accessible must be addressed by the entire community.

(3) A critical element in the creation of effective partnerships is a flexible funding source that can serve as an incentive to achieving quality development. Careful targeting of financial incentives can provide the needed impetus for revitalization of downtown areas throughout the state, the creation of affordable housing in the proper places and new job centers in places working to attract new growth.

(4) State government, in tandem with local and federal governments, nonprofit organizations and the business sector, provides a variety of tools to help build strong Oregon communities. Targeted financial incentives will complement existing tools and allow state government and its partners to enhance livability and make cost-effective use of public infrastructure. The resulting communities will be economically viable and will have housing that is affordable to community residents. [1999 c.956 §1]

Note: 458.705 to 458.740 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 458 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

458.710 [1999 c.955 §6; repealed by 2015 c.180 §34]

458.715 Duties of Oregon Housing Stability Council regarding Community Development Incentive Project Fund. (1) The Oregon Housing Stability Council shall, with respect to the Community Development Incentive Project Fund established under ORS 458.720:

(a) Develop program guidelines, including specific project criteria and financing mechanisms.

(b) Review applications seeking funding from the fund and make recommendations for funding approval.

(c) Review proposals for cooperative agreements or joint projects between the council and other agencies to facilitate the goals of the fund.

(2) Subject to available financing, the council may approve any project that carries out the goals of the fund.

(3) Notwithstanding subsections (1) and (2) of this section, the council may make loans or grants from the Community Development Incentive Project Fund for the pur-

pose of preserving affordable housing. [1999 c.956 §7; 2009 c.62 §1; 2015 c.180 §29]

Note: See note under 458.705.

458.720 Community Development Incentive Project Fund; purpose; lottery bond proceeds. (1) Pursuant to ORS 286A.560 to 286A.585, lottery bonds may be issued to make grants or loans to Oregon municipalities, businesses and individuals to encourage real estate developments that promote downtown and community center areas, provide affordable housing and other infill developments, and fund projects that promote business opportunities in Oregon's distressed areas and rural communities.

(2) The use of lottery bond proceeds is authorized based on the following findings:

(a) The grants and loans made will be used to fund projects that assist Oregon communities in managing growth, thereby attracting industry and workers and improving Oregon's labor market; and

(b) The projects will bring jobs and economic diversity to Oregon's distressed areas and rural communities.

(3) The aggregate principal amount of lottery bonds issued pursuant to this section may not exceed the sum of \$25 million and an additional amount estimated by the State Treasurer to be necessary to pay bond-related costs. Lottery bonds issued pursuant to this section shall be issued only at the request of the Director of the Housing and Community Services Department, in consultation with the Oregon Housing Stability Council.

(4) The net proceeds of lottery bonds issued pursuant to this section shall be deposited in the Community Development Incentive Project Fund, which is hereby established in the State Treasury separate and distinct from the General Fund.

(5) The proceeds of lottery bonds issued pursuant to this section shall be used only for the purposes set forth in subsection (1) of this section and for bond-related costs.

(6) Interest earned by the Community Development Incentive Project Fund shall be credited to the fund or to the Housing Development and Guarantee Account, as determined by the council. In addition to any other moneys specifically designated by law, the fund shall consist of any amounts appropriated by the Legislative Assembly and any gifts, grants or donations. [Subsections (1) to (5) of 1999 Edition enacted as 1999 c.702 §3; subsection (6) of 1999 Edition enacted as 1999 c.956 §3; 2003 c.743 §7; 2007 c.783 §203b; 2015 c.180 §30]

Note: See note under 458.705.

458.725 Fund appropriation and expenditure guidelines. All moneys deposited in the Community Development Incentive

Project Fund are continuously appropriated to the Housing and Community Services Department to carry out the purposes of the fund. In addition to any other purpose specifically provided by law, moneys deposited in the fund shall be expended for community development purposes, including but not limited to:

- (1) Promoting affordable housing development near jobs and transportation;
- (2) Revitalizing downtowns and community centers; and
- (3) Rebuilding rural and distressed economies. [1999 c.956 §4]

Note: See note under 458.705.

458.730 Department use of financing mechanisms; determination of funding adequacy. (1) The Housing and Community Services Department may use the moneys in the Community Development Incentive Project Fund in any manner permitted under ORS 458.735. However, the primary purpose of the fund is to finance developments identified by the Oregon Housing Stability Council if other state or private financing sources are inadequate or unavailable. The department shall make the final determination as to whether financing sources are inadequate or unavailable.

(2) In expending moneys from the fund, the department may use financing mechanisms that include, but are not limited to:

(a) Grants or loans for the development of multifamily or single-family affordable housing located near community centers or employment centers.

(b) Grants or loans for the development of mixed-use real estate projects located in downtown or community center areas.

(c) Grants or loans that result in the placement or retention of businesses in downtown or community center areas.

(d) Partial loan guarantees or other credit enhancement tools to private commercial lenders.

(e) Grants or loans to finance infrastructure development that creates jobs or housing in communities identified by the Oregon Business Development Department as rural or distressed.

(f) Interim ownership by the Housing and Community Services Department of real estate located within downtown or community center areas.

(g) Other financial tools or incentives that the council determines would further the intended purposes of the fund. [1999 c.956 §5; 2015 c.180 §31]

Note: See note under 458.705.

458.735 Department review of projects; lending criteria. The Housing and Community Services Department shall:

(1) Administer the Community Development Incentive Project Fund in accordance with rules adopted by the department. Notwithstanding ORS 456.555, department administration of the fund is not subject to Oregon Housing Stability Council policy, rules or standards.

(2) Verify documentation and approve or disapprove funding recommended by the council under ORS 458.715.

(3) Seek to leverage local, federal and private financial resources for use in conjunction with fund expenditures.

(4) Emphasize use of the fund to fill funding gaps in projects identified by the council that are designed to achieve the objectives of the fund.

(5) If making a fund expenditure as a loan, establish lending criteria that allow the fund to create quality development patterns and produce a sound loan portfolio. In establishing the criteria, the department shall permit the assumption of an appropriate level of risk, maintain a reserve for losses and provide for the periodic monitoring of reserve adequacy. Loan repayments may be used by the department in any financially prudent manner consistent with fund goals. [1999 c.956 §8; 2015 c.180 §32]

Note: See note under 458.705.

458.740 Project facilitation. In addition to any other power or authority granted to the Housing and Community Services Department, the department may:

(1) Acquire property and hold, conserve, improve, lease, sell or otherwise use or exercise control over the property for the purpose of facilitating the use of the property as part of a community development project.

(2) Enter into cooperative agreements or joint projects with other agencies as approved by the Oregon Housing Stability Council.

(3) To the extent authorized by law, enter into contracts for the purchase of land and improvements and exercise control over purchased land and improvements.

(4) To the extent authorized by law, enter into contracts for the completion of site development functions including, but not limited to, design services, design review with local governments and completion of the permitting process. [1999 c.956 §9; 2015 c.180 §33]

Note: See note under 458.705.