

Oregon Housing and Community Services

2023 Legislative Session



OHCS Statute Clean Up Bill (SB 892)

Deploying historic emergency resources to address the economic fallout of COVID-19 and responding to the 2020 Labor Day fires brought to light statutory barriers to effective administration. This bill provides updates that address several implementation challenges and barriers by streamlining processes and better defining and expanding OHCS' procurement authority. The bills also make technical fixes clarifying statute to align with operations, including increasing Tribal government access to OHCS resources, confirming income requirements, ensuring resources can be deployed as intended, and cleaning up defunct or inaccurate account names.

The -3 Amendment will provide a minor tweak to language in the sections related to procurement.

Section by Section Summary

Section 1 – 2 – Tribal Partnership (p. 1)

With the desire to be explicit about partnerships with Tribal governments, these sections ensure Tribal governments are eligible for General Housing Account Program capacity building and technical assistance funds.

Section 3 – 12 – Administrative Rule Authority (p. 2)

Existing statute includes inconsistency in the Housing Stability Council's (Council) role in administrative rulemaking. The proposed changes streamline the Council's role to ensure consistent engagement earlier in the rulemaking process and when Council feedback can be incorporated, while establishing final rulemaking authority with agency leadership. These sections also include OHCS' general rulemaking authority and specific program statute references.

Section 13 – 16 – Procurement Clarification (p. 18)

In recent years OHCS has grown significantly, necessitating expanded procurement authorities. This bill also aligns Department of Justice interpretation with Legislative Counsel interpretation, providing clarification and additional authority for OHCS to procure and supervise all procurement of goods, services, and personal services (including information technology). OHCS had multiple conversations with DAS on this language to ensure continued compliance with state procurement processes.



Section 17 – 18 – Down Payment Assistance (p. 35)

This technical fix will ensure OHCS can loan Down Payment Assistance resources with all mortgage lending products, including bond financed programs. These changes also remove the definition of ‘federally insured security’ to allow for easier pairing with approved primary mortgage loans.

Section 19 – 25 - Funds and Accounts (p. 41)

These sections correct mislabeling of the revolving account statutes to align with accounting terminology and repeal unused and empty accounts to provide statutory clarity. No programs will be repealed by repealing nonoperational accounts.

Section 26 – 28 - Miscellaneous Corrections (p. 46)

These sections were suggested by Legislative Counsel and include a correction of an incorrect use of a definition, repeal of an obsolete section relating to emergency shelters for WWII veterans and removing awkward and redundant statutory language.

Section 29 – Conforming Amendment (p. 47)

Conforms a cross reference to Section 8’s inclusion of Local Innovation Fast Track (LIFT) program within ORS Chapter 458.

Section 30 – Oregon Affordable Housing Tax Credit (p. 50)

This clarifies the income level eligibility to include 80 percent of the area median income or less.

Section 31 – Caption (p. 56)

Captions throughout the bill help with readability but will not become statutory law.

Section 32 – Emergency Clause (p. 57)

This bill will be effective immediately upon passage to ensure improved agency operations as OHCS deploys needed housing solution resources.

Contact

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