

Enrolled
House Bill 2842

Sponsored by Representatives MARSH, POWER, PHAM; Representatives CAMPOS, DEXTER, FAHEY, GOMBERG, GRAYBER, HAYDEN, HOLVEY, KROPP, LEIF, NERON, NOBLE, NOSSE, OWENS, REARDON, REYNOLDS, RUIZ, SCHOUTEN, SOLLMAN, VALDERRAMA, WILDE, WILLIAMS, WRIGHT, ZIKA, Senator GELSER (Pre-session filed.)

CHAPTER

AN ACT

Relating to healthy homes; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) **“Eligible entity” means a:**

- (A) **Local government as defined in ORS 174.116;**
- (B) **Local housing authority;**
- (C) **Nonprofit organization;**
- (D) **Federally recognized Indian tribe in Oregon;**
- (E) **Coordinated care organization as defined in ORS 414.025;**
- (F) **Community action agency as described in ORS 458.505; or**
- (G) **Program administered by:**
 - (i) **An electric company as defined in ORS 757.600; or**
 - (ii) **A natural gas utility as defined in ORS 757.392.**

(b) **“Environmental justice factor” means a circumstance or condition that impacts a community’s ability to achieve a balance of health, economic or environmental benefits and burdens or that impacts a community’s ability to participate in public processes.**

(c) **“Grant program recipient” means an eligible entity that has been awarded a grant from the Oregon Health Authority under this section.**

(d) **“Landlord” means a landlord, as defined in ORS 90.100, that meets eligibility criteria for a loan, grant or other financial assistance under the Healthy Homes Program as determined by the authority.**

(e) **“Low income household” means a household having an income equal to or below 80 percent of the area median family income as determined by the authority.**

(f) **“Nonprofit organization” means an organization or group of organizations that is described in section 501(c)(3) of the Internal Revenue Code and is exempt from income tax under section 501(a) of the Internal Revenue Code.**

(g) **“Repair and rehabilitation” includes actions that:**

- (A) **Maximize energy efficiency of residences;**
- (B) **Extend the usable life of residences; or**
- (C) **Improve the health and safety of the occupants of residences, including:**
 - (i) **Radon abatement;**

- (ii) Lead abatement;
- (iii) Mold and mildew abatement;
- (iv) Installation of a smoke filtration system, an air purification system or ventilation or reduction of pathways for air infiltration;
- (v) Removal of asthma or allergen triggers;
- (vi) Structural or safety improvements that increase accessibility or visitability;
- (vii) Improvements that make homes more fire resistant; and
- (viii) Structural or safety improvements that promote seismic resiliency.

(h) "Residence" means a dwelling that is intended for occupation by a single family and is occupied by one or more individuals who are members of a low income household as the individuals' principal residence, including a site-built home, manufactured home, residential trailer, mobile home, condominium unit or unit within multifamily housing.

(i) "Smoke filtration system" means a residential air filtration system that meets minimum efficiency standards, as determined by the authority, for the removal of particulates and other harmful substances generated by wildfires.

(2) The Healthy Homes Program is established within the Oregon Health Authority. The purpose of the program is to provide grants to eligible entities that provide financial assistance to persons in low income households to repair and rehabilitate their residences and to landlords to repair and rehabilitate dwelling units inhabited by low income households.

(3) To be eligible to receive grants from the Healthy Homes Program, an eligible entity must establish that it:

- (a) Serves or represents:
 - (A) Communities with high concentrations of low income households; or
 - (B) Communities impacted by environmental justice factors, including but not limited to:
 - (i) Areas with above-average concentrations of historically disadvantaged households or residents with low levels of educational attainment, areas with high unemployment, high linguistic isolation, low levels of homeownership or high rent burden or sensitive populations;
 - (ii) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure or environmental degradation; or
 - (iii) Other environmental justice factors as determined by the authority.
- (b) Has the capacity to administer grant funds received under this section.
- (c) Is able to comply with the requirements of all state and federal laws, rules and regulations.

(4)(a) The authority shall adopt by rule processes for eligible entities to apply to receive grants from the Healthy Homes Program. The processes may include a request for proposals.

- (b) The authority may adopt by rule:
 - (A) Standards for repair and rehabilitation activities conducted by low-income households;
 - (B) Standards for repair and rehabilitation activities conducted by landlords;
 - (C) Additional requirements for landlords who receive program funds; and
 - (D) Provisions for the allocation of program funds including but not limited to allocations for types of eligible entities, types of recipients, types of housing and regions of this state.

(c) The authority, in consultation with the Governor's Policy Advisor for Economic and Business Equity, may establish by rule standards for the work performed using grants from the program to be performed by disadvantaged business enterprises, minority-owned businesses, woman-owned businesses or businesses that service-disabled veterans own, as those terms are defined in ORS 200.005.

(5) Upon being awarded a grant under this section, the grant program recipient shall enter into an agreement with the authority that contains provisions that:

- (a) Indicate the purposes for which the grant funds may be used;
- (b) Prohibit the grant program recipient from using more than 15 percent of grant funds for administrative expenses and program delivery costs;

- (c) Include the repayment provisions set forth in subsection (6) of this section;
- (d) Permit the authority to conduct audits and investigations of the grant program recipient regarding the purposes for which grant funds have been used; and
- (e) Require the grant program recipient to provide reports as set forth in subsection (7) of this section.

(6) A grant program recipient must repay to the authority, in whole or in part, grant funds received under this section to the extent that:

(a) The grant program recipient does not use the grant funds in accordance with the provisions of the grant agreement executed between the authority and the grant program recipient under subsection (5) of this section; or

(b) The Director of the Oregon Health Authority determines that the grant program recipient must repay all or part of the grant funds on grounds of misappropriation, fraud or similar reasons after auditing or investigating the grant program recipient's operations and conducting a contested case hearing under ORS 183.413 to 183.470.

(7) A grant program recipient shall report to the authority by June 30 of each year concerning the status and use of grant funds received under this section. The report required under this section may not disclose the personal information of the recipients of loans, grants or other financial assistance under the Healthy Homes Program. The report must include:

- (a) A detailed description of the grant program recipient's use of grant funds;
- (b) A list of each loan, grant or other financial assistance that the grant program recipient has provided and, where applicable, a full accounting of the repayment status of the loans;
- (c) The number of low income households that the grant program recipient has provided financial assistance to for the repair and rehabilitation of their residences;
- (d) The number of landlords that the grant program recipient has provided financial assistance to for the repair and rehabilitation of dwelling units;
- (e) The nature and amounts of the administrative expenses and program delivery costs the grant program recipient has incurred in providing the financial assistance under the program;
- (f) Disaggregated data concerning the income, racial or ethnic background, family size and related demographic information of low income households who received financial assistance for repair and rehabilitation of residences under the program from the grant program recipient; and
- (g) Any other information required by the authority.

(8) The authority may not pay amounts for grants under this section from any source other than available funds in the Healthy Homes Repair Fund established in section 2 of this 2021 Act.

(9) Under the Healthy Homes Program, the authority may develop, or contract with public institutions of higher education or nonprofit organizations to assist in developing:

- (a) Methods for evaluating health hazards in housing;
- (b) Methods for preventing and reducing health hazards in housing;
- (c) Performance measures for the work being performed through the financial assistance provided under the program; and
- (d) Recommendations for promoting the incorporation of healthy housing into ongoing practices and systems, including housing codes.

SECTION 2. (1) There is established in the State Treasury the Healthy Homes Repair Fund, separate and distinct from the General Fund. Interest earned by the Healthy Homes Repair Fund is credited to the fund. The purpose of the fund is to:

- (a) Fund grants to eligible entities under the Healthy Homes Program established under section 1 of this 2021 Act; and

(b) Pay for the administrative expenses of the Oregon Health Authority in establishing, implementing and administering the Healthy Homes Program under section 1 of this 2021 Act.

(2) The fund consists of:

- (a) Money appropriated to the fund by the Legislative Assembly;
- (b) Grant funds repaid under section 1 (6) of this 2021 Act;
- (c) Moneys transferred to the fund from the federal or state government;
- (d) Application fees received under section 1 of this 2021 Act, if any; and
- (e) Gifts, grants and donations received from any source.

SECTION 3. (1) The Interagency Task Force on Healthy Homes is established.

(2) The task force consists of:

- (a) Up to nine members appointed by the Governor from among the following groups:
 - (A) Eligible entities likely to participate in the Healthy Homes Program;
 - (B) Individuals with lived or professional experience germane to the Healthy Homes Program; and
 - (C) Individuals with expertise and experience in performing home improvement work.
 - (b) The Director of the Oregon Health Authority or the director's designee.
 - (c) The Director of the Housing and Community Services Department or the director's designee.
 - (d) The Director of the Department of Environmental Quality or the director's designee.
 - (e) The Director of the State Department of Energy or the director's designee.
 - (f) The Director of the Department of Land Conservation and Development or the director's designee.
 - (g) The Director of Human Services, or a designee of the director who is an individual with expertise in developmental disability services.
- (3) The task force shall:
- (a) Develop tools to compile and collect comprehensive information on services, programs and other resources related to housing and home-related health in this state.
 - (b) Share data, metrics and strategies for the deployment of programs to improve home-related health.
 - (c) Determine how best to leverage funds across programs and agencies to maximize success and improved outcomes.
 - (d) Identify and consult with stakeholders who deploy programs to improve home-related health, and recipients of these programs, to:
 - (A) Identify barriers to the deployment and success of programs to improve the health and safety of homes;
 - (B) Identify potential solutions to identified barriers;
 - (C) Identify new measures to improve the health and safety of homes; and
 - (D) Determine the extent to which renters are able to take advantage of health and safety upgrades to homes.
- (4) A majority of the members of the task force constitutes a quorum for the transaction of business.
- (5) Official action by the task force requires the approval of a majority of the members of the task force.
- (6) The task force shall elect one of its members to serve as chairperson.
- (7) The task force shall meet at times and places specified by the call of the chairperson or of a majority of the members of the task force.
- (8) The task force may adopt rules necessary for the operation of the task force.
- (9)(a) The task force shall submit a report in the manner provided in ORS 192.245 to the interim committees of the Legislative Assembly related to housing, the Governor and the Environmental Justice Task Force no later than September 15, 2022.
- (b) A report submitted under this section must:

(A) Include data and metrics associated with program deployment, including demographics, geographic access and health and housing outcomes;

(B) Identify barriers to program deployment and success and solutions to those barriers; and

(C) Make recommendations for legislation to reduce barriers or expand program access and benefits.

(10) The Oregon Health Authority shall provide staff support to the task force.

(11) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of the duties of the task force and, to the extent permitted by laws relating to confidentiality, to furnish information and advice the members of the task force consider necessary to perform their duties.

SECTION 4. In addition to and not in lieu of any other appropriation, there is appropriated to the Oregon Health Authority, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$10,000,000 for deposit in the Healthy Homes Repair Fund established under section 2 of this 2021 Act.

SECTION 5. Notwithstanding any other law limiting expenditures, the amount of \$10,000,000 is established for the biennium beginning July 1, 2021, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, tobacco tax receipts, marijuana tax receipts, beer and wine tax receipts, provider taxes and Medicare receipts, but excluding lottery funds and federal funds, collected or received by the Oregon Health Authority from the Healthy Homes Repair Fund established under section 2 of this 2021 Act.

SECTION 6. Section 3 of this 2021 Act is repealed on January 2, 2023.

SECTION 7. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by House June 24, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 26, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State