

House Bill 2842

Sponsored by Representatives MARSH, POWER, PHAM (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Healthy Homes Program within the Oregon Health Authority to provide grants to entities to provide financial assistance to low income households and landlords.

Establishes Healthy Homes Repair Fund.

Establishes Interagency Task Force on Healthy Homes.

Takes effect on 91st day following adjournment sine die.

A BILL FOR 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 local government, local housing authority, nonprofit organization, federally recognized Indian tribe in this state, coordinated care organization as defined in ORS 414.025 or regional or statewide nonprofit housing assistance organization.

(b) **"Environmental justice community"** means a community identified by the Oregon Health Authority under section 3 of this 2021 Act.

(c) **"Grant program recipient"** means an eligible entity that has been awarded a grant from the 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) Installation of a smoke filtration system or an air purification system or other actions to improve indoor air quality; and

(iv) Removal of asthma or allergen triggers.

(h) **"Residence"** means a single family residence that is intended for occupation by a single family unit and is occupied by one or more individuals who are members of a low in-

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 come household as the individual's principal residence, including a site-built home, manu-
 2 factured home, residential trailer, mobile home or condominium unit.

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

6 (2) The Healthy Homes Program is established within the Oregon Health Authority. The
 7 purpose of the program is to provide grants to eligible entities that provide financial assist-
 8 ance to persons in low income households to repair and rehabilitate their residences and to
 9 landlords to repair and rehabilitate dwelling units.

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

12 (a) Serves or represents communities with high concentrations of low income households
 13 or environmental justice communities;

14 (b) Has the capacity to administer grant funds received under this section; and

15 (c) Is able to comply with the requirements of all state and federal laws, rules and reg-
 16 ulations.

17 (4)(a) The authority shall establish by rule processes for eligible entities to apply to re-
 18 ceive grants from the Healthy Homes Program. The process may include a request for pro-
 19 posals.

20 (b) The authority may establish by rule the extent of the repair and rehabilitation activ-
 21 ities that may be funded by eligible entities under the program.

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

24 (a) Indicate the purposes for which the grant funds may be used;

25 (b) Prohibit the grant program recipient from using more than 15 percent of grant funds
 26 for administrative expenses and program delivery costs;

27 (c) Include the repayment provisions set forth in subsection (6) of this section;

28 (d) Permit the authority to conduct audits and investigations of the grant program re-
 29 cipient regarding the purposes for which grant funds have been used; and

30 (e) Require the grant program recipient to provide reports as set forth in subsection (7)
 31 of this section.

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

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

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

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

1 (a) A detailed description of the grant program recipient's use of grant funds;

2 (b) A list of each loan, grant or other financial assistance that the grant program recip-
3 ient has provided and, where applicable, a full accounting of the repayment status of the
4 loans;

5 (c) The number of low income households that the grant program recipient has provided
6 financial assistance to for the repair and rehabilitation of their residences;

7 (d) The number of landlords that the grant program recipient has provided financial as-
8 sistance to for the repair and rehabilitation of dwelling units.

9 (e) The nature and amounts of the administrative expenses and program delivery costs
10 the grant program recipient has incurred in providing the financial assistance under the
11 program;

12 (f) Aggregated data concerning the income, racial or ethnic background, family size and
13 related demographic information of low income households who received financial assistance
14 for repair and rehabilitation of residences under the program from the grant program re-
15 cipient;

16 (g) Estimates for energy or health cost savings achieved by the funded repair and reha-
17 bilitation actions; and

18 (h) Any other information required by the authority.

19 (8) The authority may not pay amounts for grants under this section from any source
20 other than available funds in the Healthy Homes Repair Fund established in section 2 of this
21 2021 Act.

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

24 (a) Methods for evaluating health hazards in housing;

25 (b) Methods for preventing and reducing health hazards in housing;

26 (c) Measures of evaluating housing-related health impacts and the long-term cost-
27 effectiveness of methods used under paragraph (b) of this subsection;

28 (d) Performance measures for the work being performed through the financial assistance
29 provided under the program; and

30 (e) Recommendations for promoting the incorporation of healthy housing into ongoing
31 practices and systems, including housing codes.

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

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

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

40 (2) The fund consists of:

41 (a) Money appropriated to the fund by the Legislative Assembly;

42 (b) Grant funds repaid under section 1 (6) of this 2021 Act;

43 (c) Moneys transferred to the fund from the federal or state government;

44 (d) Application fees received under section 1 of this 2021 Act, if any; and

45 (e) Gifts, grants and donations received from any source.

1 **SECTION 3.** (1) The Oregon Health Authority, by rule, shall designate as environmental
 2 justice communities those communities in Oregon at risk of being disproportionately im-
 3 pacted by climate change, ocean acidification or environmental pollution. In carrying out this
 4 section, the authority shall identify environmental justice communities based on a method-
 5 ology that takes into consideration geographic, socioeconomic, historic disadvantage, public
 6 health and environmental hazard criteria. Environmental justice communities may include,
 7 but are not limited to:

8 (a) Rural communities.

9 (b) Coastal communities.

10 (c) Tribal communities.

11 (d) Areas with above-average concentrations of low income households, historically dis-
 12 advantaged households, high unemployment, high linguistic isolation, low levels of
 13 homeownership, high rent burden, sensitive populations or residents with low levels of edu-
 14 cational attainment.

15 (e) Areas disproportionately affected by environmental pollution and other hazards that
 16 can lead to negative public health effects, exposure or environmental degradation.

17 (2) The methodology required by this section must give greater weight to those criteria
 18 that the authority determines are the most accurate measurements of vulnerability to the
 19 impacts of climate change, ocean acidification and environmental pollution.

20 (3) The authority shall review and update the methodology required by this section and
 21 the designation of environmental justice communities at least once every five years.

22 **SECTION 4.** (1) The Interagency Task Force on Healthy Homes is established.

23 (2) The task force consists of:

24 (a) The Director of the Oregon Health Authority or the director's designee;

25 (b) The Director of the Housing and Community Services Department or the director's
 26 designee; and

27 (c) The Director of the Department of Environmental Quality or the director's designee.

28 (3) The task force shall:

29 (a) Develop tools to compile and collect comprehensive information on services, programs
 30 and other resources related to housing and home-related health in this state.

31 (b) Share data, metrics and strategies for the deployment of programs to improve
 32 home-related health.

33 (c) Determine how best to leverage funds across programs and agencies to maximize
 34 success and improved outcomes.

35 (d) Identify and consult with stakeholders who deploy programs to improve home-related
 36 health, and recipients of these programs, to:

37 (A) Identify barriers to the deployment and success of programs to improve the health
 38 and safety of homes;

39 (B) Identify potential solutions to identified barriers;

40 (C) Identify new measures to improve the health and safety of homes; and

41 (D) Determine the extent to which renters are able to take advantage of health and
 42 safety upgrades to homes.

43 (4) A majority of the members of the task force constitutes a quorum for the transaction
 44 of business.

45 (5) Official action by the task force requires the approval of a majority of the members

1 of the task force.

2 (6) The task force shall elect one of its members to serve as chairperson.

3 (7) The task force shall meet at times and places specified by the call of the chairperson
4 or of a majority of the members of the task force.

5 (8) The task force may adopt rules necessary for the operation of the task force.

6 (9)(a) The task force shall submit a report in the manner provided in ORS 192.245 to the
7 interim committees of the Legislative Assembly related to housing, the Governor and the
8 Environmental Justice Task Force no later than September 15, 2022.

9 (b) A report submitted under this section must:

10 (A) Include data and metrics associated with program deployment, including demo-
11 graphics, geographic access, and health and housing outcomes;

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

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

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

17 (11) Members of the task force are not entitled to compensation or reimbursement for
18 expenses and serve as volunteers on the task force.

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

23 SECTION 5. Section 4 of this 2021 Act is repealed on January 2, 2023.

24 SECTION 6. This 2021 Act takes effect on the 91st day after the date on which the 2021
25 regular session of the Eighty-first Legislative Assembly adjourns sine die.

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