

Enrolled
House Bill 2987

Sponsored by Representative MARSH; Senators JAMA, PATTERSON, SOLLMAN (Pre-session filed.)

CHAPTER

AN ACT

Relating to the Healthy Homes Program; amending ORS 431A.400; and declaring an emergency.

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

SECTION 1. ORS 431A.400, as amended by section 33, chapter 86, Oregon Laws 2022, is amended to read:

431A.400. (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) Indian health center;
- (F) Coordinated care organization as defined in ORS 414.025;
- (G) Community action agency as described in ORS 458.505;
- (H) Manufactured dwelling park nonprofit cooperative as defined in ORS 62.803;
- (I) An electric utility as defined in ORS 757.600; or
- (J) 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;
- (viii) Structural or safety improvements that promote seismic resiliency;
- (ix) Improvements that reduce the reflection of heat on or around the home, including improvements related to trees, vegetation, green roofs or cool roofs; and
- (x) Electrical upgrades that improve the safety of the home or support or enable the use of energy efficiency upgrades such as heating or cooling devices.

(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] **the percentage of grant funds for administrative expenses [and program delivery costs] allowed by the authority by rule;**

(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 ORS 431A.402.

(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. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

Passed by House March 28, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate June 21, 2023

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Rob Wagner, President of Senate

Received by Governor:

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Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State