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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 123  
OREGON BUSINESS DEVELOPMENT DEPARTMENT

**FILED**  
07/11/2019 8:21 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: These rules relate to the Oregon Seismic Rehabilitation Grants Program

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/27/2019 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

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Filed By:  
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NEED FOR THE RULE(S):

These rules are necessary to provide clarity to the program and comply with statute.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 285A.093, 285A.098, 286.A760-286A.772

FISCAL AND ECONOMIC IMPACT:

There is no fiscal impact as a result of these rules.

COST OF COMPLIANCE:

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

There is no cost of compliance as a result of these rules.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small business were not involved in the development of these rules. This is a grant program for public buildings. Small business do not qualify for this program.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

123-051-0700, 123-051-0750, 123-051-0800

AMEND: 123-051-0700

RULE SUMMARY: This rule is amended to remove buildings located in the tsunami inundation zone and buildings located in the 100 year flood zone as ineligible activities.

CHANGES TO RULE:

123-051-0700

Project Ineligible Activities ¶¶

Project ineligible activities include, but are not limited to:¶¶

(1) The demolition and rebuild of an existing critical public building.¶¶

~~(2) Rehabilitation to a building located in the Tsunami Inundation Zone as defined in OAR 123-051-0200(18).¶¶~~

~~(3) Rehabilitation of a building located in the 100-year flood zone.¶¶~~

~~(4) Partial rehabilitation of a building that does not holistically address all known seismic deficiencies, as defined in OAR 123-051-0200(11).¶¶~~

(5) Reimbursement for already budgeted staff and routine or ongoing expenses of the recipient.

Statutory/Other Authority: ORS 285A.093, 285A.098, 401.910, 2013 OL Ch. 782

Statutes/Other Implemented: ORS 285A.093, 285A.098, 401.910

ADOPT: 123-051-0750

RULE SUMMARY: This rule explains how potential applicants who are located within the tsunami inundation zone shall consult with the State Department of Geology and Mineral Industries.

CHANGES TO RULE:

123-051-0750

Special Conditions

(1) If the building is located in an identified tsunami inundation zone the applicant shall consult with the State Department of Geology and Mineral Industries for assistance in determining the impact of possible tsunamis on the proposed project and for assistance in preparing methods to mitigate risk at the site of a potential tsunami. Consultation shall take place prior to submittal of the grant application. Proof of the consultation must be included with the application packet submitted for the project.¶

(2) If the building is located in the 100 year flood zone, additional engineering review may be required.

Statutory/Other Authority: ORS 285A.093, 285A.098, 401.910, OL Ch. 782 2013

Statutes/Other Implemented: ORS 285A.093, 285A.098, 401.910

AMEND: 123-051-0800

RULE SUMMARY: This rule is amended to remove the the 30 day notification of receipt of applications.

CHANGES TO RULE:

123-051-0800

Application Submittal, Review and Approval ¶¶

- (1) The Authority shall announce deadlines for submitting applications, how to obtain an application form, and required supplemental documents.¶¶
- (2) An eligible critical public building may submit an application after consulting with the Authority on a preliminary determination of eligibility and otherwise follow the Authority's procedures for submitting applications. The application must be in the form provided by the Authority and must contain or be accompanied by such information as the Authority may require. The Authority will process only completed applications.¶¶
- ~~(3) Upon receipt of signed application, the Authority will notify the applicant within 30 days as to the receipt of the application.¶¶~~
- (4) Upon receipt of a completed application, the Authority will evaluate the application using ranking factors and point values and will provide recommendations to the Grant Selection Committee to determine the project's prioritization ranking during a public meeting.

Statutory/Other Authority: ORS 285A.093, 285A.098, 401.910, 2013 OL Ch. 782

Statutes/Other Implemented: ORS 285A.093, 285A.098, 401.910