

**DEPARTMENT OF HUMAN SERVICES
AGING AND PEOPLE WITH DISABILITIES DIVISION
OREGON ADMINISTRATIVE RULES**

**CHAPTER 411
DIVISION 59**

HOUSING WITH SERVICES
(Adopted 7/01/2018)

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**CHAPTER 411
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411-059-0000 Definitions *(Adopted 7/01/2018)*

Unless the context indicates otherwise, the following definitions apply to the rules in OAR chapter 411, division 059:

(1) "Case Management" means the planning, coordination, and referral of services provided directly by the project or from external providers, including, but not limited to:

- (a) Transportation;
- (b) Meal programs;
- (c) Legal services;
- (d) Financial services;
- (e) Supportive services;
- (f) Counseling services;
- (g) Recreational, social and wellness activities and programs; or
- (h) Services to increase participation in community life.

(2) "Congregate" means a setting, in which three or more individuals reside for a common need or purpose.

(3) "Coordinate" means to provide proactive and systematic assistance in obtaining, facilitation of, and connection with health and social services.

(4) "Department" means the Department of Human Services.

(5) "Food Insecurity" means the state of being without reliable access to a sufficient quantity of affordable, nutritious food.

(6) "Food Insecurity Interventions" mean services offered in response to food insecurity that include, but are not limited to:

(a) The direct provision of meals;

(b) Meal preparation;

(c) Grocery shopping;

(d) Cooking services;

(e) Nutrition education; or

(f) Assistance accessing congregate meal sites, nutrition assistance programs, meal delivery programs, or emergency food programs and food banks.

(7) "Health and Social Services" means:

(a) Case management;

(b) Health navigation;

(c) Mental health and addiction supports and services;

(d) In-home supports; or

(e) Food insecurity interventions.

(8) "Health Navigation" means assistance for individuals in accessing their health care needs, including, but not limited to:

- (a) Appointment scheduling;
- (b) Medical transportation coordination;
- (c) Scheduling or coordinating in-home care;
- (d) Referrals;
- (e) Health education;
- (f) Medication management; or
- (g) Counseling.

(9) "Housing with Services Project" means an entity that coordinates two or more health and social services for older adults and people with disabilities who are living in publicly subsidized or private congregate settings. A Housing with Services Project does not include:

- (a) A health care facility licensed under [ORS 441.015](#).
- (b) A residential facility licensed under [ORS 443.410](#).
- (c) An adult foster home licensed under [ORS 443.725](#).
- (d) A continuing care retirement community as defined in [ORS 101.020](#).
- (e) A program of all-inclusive care for the elderly as described in [42 C.F.R 460.6](#).
- (f) Transient lodging as defined in [ORS 320.300](#).
- (g) A hotel as defined in [ORS 699.005](#).

(10) "In-Home Supports" means assistance to individuals necessary for individuals to live independently in their own residence, including, but not limited to:

- (a) Housekeeping;
- (b) Personal care;
- (c) Meal preparation;
- (d) Laundry services;
- (e) Transportation;
- (f) Money management;
- (g) Medication management; or
- (h) Other personal assistance services.

(11) "Mental Health and Addictions Supports and Services" means mental, behavioral or addictions assessment and treatment services and counseling supports that may be provided by psychiatrists, mental or behavioral health caseworkers, therapists, support groups, and any other providers that assist individuals in managing emotional wellness or substance use issues.

(12) "Older adult" means individuals who are age 55 and older.

(13) "People with Disabilities" means individuals between the ages of 18 and 54 who experience a disability that impacts one or more activities of daily living.

(14) "Project" means a Housing with Services Project as defined in these rules.

(15) "These Rules" mean the rules in OAR chapter 411, division 059.

Stat. Auth.: [ORS 410.070](#), [443.378](#)

Statutes Implemented: [ORS 410.070](#), [443.378](#)

411-059-0010 Registration Required (*Adopted 7/01/2018*)

(1) Except as provided in [OAR 411-059-0030](#), all entities that coordinate two or more health or social services for older adults and people with disabilities who live in publicly subsidized or private congregate settings must register with the Department as a housing with services project.

(2) The Department shall send a certificate of registration to the housing with services project within 90 days of receipt of the registration form. The Department shall notify the housing with services project within 60 days of receipt of the form if the form is incomplete or otherwise needs to be corrected.

(3) The Department shall enter the project's information on its registry if the Department determines the requirements of these rules and [ORS 443.378](#) are met.

Stat. Auth.: [ORS 410.070](#), [443.378](#)

Statutes Implemented: [ORS 410.070](#), [443.378](#)

411-059-0020 Registration (*Adopted 7/01/2018*)

(1) HOUSING WITH SERVICES PROJECT REGISTRATION:

(a) A Housing with Services project must register with the Department on forms prescribed by the Department. The registration form must include the housing with services project's:

(A) Name;

(B) Address; and

(C) Primary contact person and contact information (such as phone, email, mailing address, or FAX number).

(b) The registration form is not considered to be complete until the Department receives all required information.

(2) ISSUANCE OF REGISTRATION:

(a) The Department shall issue a certificate of registration to the housing with services project once the registrant:

(A) Submits a registration form that has all required fields on the form completed; and

(B) Meets all other requirements described in [ORS 443.378](#) and these rules.

(b) The certificate of registration shall identify the housing with services project's name, address, and primary contact person for the housing with services project.

Stat. Auth.: [ORS 410.070](#), [443.378](#)

Statutes Implemented: [ORS 410.070](#), [443.378](#)

411-059-0030 Registration Required - Exceptions *(Adopted 7/01/2018)*

(1) A housing with services project is not required to register with the Department under these rules and [ORS 443.378](#) if the housing with services project is regulated by the Housing and Community Services Department or the federal Department of Housing and Urban Development.

(2) No later than December 31 of each calendar year, the Housing and Community Services Department shall provide the Department a list of housing with services projects regulated by the Housing and Community Services Department that serve older adults, people with disabilities, or both.

(3) No later than December 31 of each calendar year, the Department shall obtain a list of housing with services projects in Oregon that are regulated by the federal Department of Housing and Urban Development and not regulated by the Housing and Community Services Department that serve older adults, people with disabilities, or both.

(4) The lists in sections (2) and (3) of this rule shall include, at a minimum, the following information, the housing with services project's:

(a) Name;

(b) Address; and

(c) Primary contact person and contact information.

(5) All housing with services projects provided to the Department in the process described in this rule shall be considered registered with the Department as a housing with services project.

Stat. Auth.: [ORS 410.070](#), [443.378](#)

Statutes Implemented: [ORS 410.070](#), [443.378](#)

411-059-0040 Department Information for Tenants *(Adopted 7/01/2018)*

(1) Upon entering a project on the registry, as stipulated in [OAR 411-059-0020](#) through [411-059-0030](#), the Department shall provide housing with services projects with information on resources available to tenants within 30 business days, including, but not limited to, information about:

(a) The Aging and Disability Resource Connection; and

(b) Hotlines for reporting abuse.

(2) The Department will respond to any written request for information identified in section (1) of this rule by a registered housing with services project within 30 business days of receipt of the request.

Stat. Auth.: [ORS 410.070](#), [443.378](#)

Statutes Implemented: [ORS 410.070](#), [443.378](#)

411-059-0050 Administrative Sanctions (*Adopted 7/01/2018*)

(1) If the Department has reasonable cause to believe an entity is a housing with services project subject to the registration requirements of [OAR 411-059-0010](#) through [OAR 411-059-0020](#) and is operating without registration, the Department may contact or enter the housing with services project to determine whether it is subject to registration requirements under [ORS 443.378](#).

(2) If the Department determines a project should have registered under these rules, the Department may issue a demand to register.

(3) The Department shall serve the demand to register upon the operator personally or by certified mail. The demand to register shall include:

(a) A reference to the particular sections of statute or rule involved;

(b) A short and plain statement of the matters asserted or charged;
and

(c) A statement of the right to request a hearing.

(4) A project that disagrees with the Department's determination of registration requirements shall have 10 days from the date of receipt in which to make a written application for a hearing.

(5) All hearings shall be conducted according to the applicable provisions of [ORS 183.310 to 183.550](#).

(6) If the project notified fails to request a hearing within the time frame specified, or if after a hearing the project should have been registered under these rules or statute, an order may be entered demanding that the project be registered with the Department.

(7) If the housing with services project fails to register with the Department after being served notice pursuant section (3) of this rule within 60 calendar days, or 30 calendar days after a hearing determination described in section (6) of this rule, the Department shall refer the entity to the Oregon Department of Justice's Civil Enforcement Division.

Stat. Auth.: [ORS 183](#), [410.070](#), [443.378](#)

Statutes Implemented: [ORS 410.070](#), [443.378](#)