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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 137
DEPARTMENT OF JUSTICE

FILED
09/16/2025 10:28 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amends rule providing for fee waiver for grantors participating in Oregon Foreclosure Avoidance Program

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/21/2025 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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NEED FOR THE RULE(S)

This rule is needed to amend subsection 3 of the existing rule, which currently provides for a fee waiver for households earning double the 2013 federal poverty guidelines. The amendment would update fee waiver income thresholds to be double the 2025 federal poverty guidelines. Homeowners who are granted a fee waiver pay $50 to participate in the program. Homeowners who are not granted a fee waiver pay $175 to participate in the program.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

2025 Federal Poverty Guidelines, available at https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Because the rule prescribes updated income levels to qualify for a fee waiver without changing the underlying program structure, no impact on racial equity is anticipated.

FISCAL AND ECONOMIC IMPACT:

The primary fiscal impact resulting from this rule is that more partial fee waivers will be granted. DOJ anticipates that between 5 and 20 additional grantors will qualify for the waiver and pay lower fees. Granting those additional fee waivers would result in reduced program revenue of between $625 and $2500 per month.

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).

(1) DOJ anticipates that between 5 and 20 additional grantors will qualify for the waiver and pay lower fees. Granting those additional fee waivers would result in reduced program revenue for DOJ's Foreclosure Avoidance Fund of between $625 and $2500 per month.
(2) (a) Other than DOJ's contractor that serves as the services provider, small businesses are not impacted by this rule. The only impact on DOJ's contractor would be to apply the new fee waiver thresholds. (b) There are no additional reporting requirements under the amended rule. (c) No professional services, equipment supplies, labor or increased administration are required to comply with the rule.

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

No small businesses were involved in the development of this rule, although DOJ's contractor is aware of this rulemaking.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

This amendment is solely to update the fee waiver thresholds to reflect current poverty guidelines.

AMEND: 137-110-0200

RULE SUMMARY: This rule amendment updates the income thresholds for grantors participating in Oregon Foreclosure Avoidance Program to receive fee waivers.

CHANGES TO RULE:

137-110-0200
Fees Paid by the Grantor, Fee Waiver ¶

(1) The grantor shall pay a fee of $175 to the service provider at the time required by Oregon Laws 2013, chapter 304, section 3(2)(a). If there are joint or multiple grantors, only one grantor must pay this fee.¶
(2) The grantor may apply for a waiver of $125 of the fee described in section (1) of this rule at the time the grantor is required by Oregon Laws 2013, chapter 304, section 3(2)(a), to pay the fee. The grantor shall pay $50 at the time of the fee waiver request.¶
(3) A grantor's application for a fee waiver under section (2) of this rule shall be granted if the grantor is able to provide satisfactory evidence to the service provider that the grantor's annual household income is less than:¶
(a) $ ~~2~~31,3~~4~~00 for a household of one;¶
(b) $ ~~31,46~~42,300 for a household of two;¶
(c) $ ~~39, 58~~53,300 for a household of three;¶
(d) $ ~~47,7~~64,300 for a household of four;¶
(e) $ ~~5~~75,~~82~~300 for a household of five;¶
(f) $ ~~63,94~~86,300 for a household of six;¶
(g) $ ~~72,06~~97,300 for a household of seven;¶
(h) $ ~~80,18~~108,300 for a household of eight;¶
(i) $ ~~88~~119,300 for a household of nine; or¶
(j) $ ~~96,42~~130,300 for a household of ten or more.¶
(4) The service provider shall decide whether to grant a grantor's application for a fee waiver made under section (2) of this rule within 10 days of receiving the application.¶
(5) If the service provider denies a grantor's application for a fee waiver made under section (2) of this rule, the grantor shall pay the remaining $125 within 15 days of receiving the service provider's determination not to grant a fee waiver but never later than the date of the scheduled resolution conference.¶
(6) Failure by a grantor to timely pay fees will result in cancellation of the resolution conference.
Statutory/Other Authority: 2013 OL Ch. 304, Sec. 3(2)(a), ~~6(1)(d),~~2013 OL Ch. 304, Sec. 6(1)(d), 2013 OL Ch. 304, Sec. 6(1)(g)
Statutes/Other Implemented: 2013 OL Ch. 304, Sec. 3(2)(a), 2013 OL Ch. 304, Sec. 6(1)(d)