

HOUSING AND COMMUNITY SERVICES DEPARTMENT

DIVISION 300

INDIVIDUAL DEVELOPMENT ACCOUNTS

813-300-0010

Definitions

As used in these rules, unless the context indicates otherwise:

- (1) "Account holder" means a member, age 12 or older, of a lower income household that has a net worth of less than \$20,000 who is the named depositor of an individual development account.
- (2) "Contributor" means a person or entity contributing funds to the Department or to a fiduciary organization for the purpose of matching IDA deposits by an account holder or for funding program plan operations.
- (3) "Department" means the Housing and Community Services Department established in ORS 456.555 and, where applicable, its designee.
- (4) "Designated beneficiary" means a minor-age member of the account holder's household who is the beneficiary of an IDA used to pay the member's extracurricular non-tuition expenses designed to prepare the member for post-secondary education or job training.
- (5) "Fiduciary organization" means a non-profit, fund raising organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code as amended and in effect on January 1, 1999, or a federally recognized Oregon Indian tribe that is located, to a significant degree, within the boundaries of this state, as selected by the department under these rules.
- (6) "Fiduciary organization program plan" or "program plan" means a mission statement by a fiduciary organization and the corresponding detailed plan by it for the solicitation of contributions (tax credit or otherwise) and prospective account holders, the management of IDA's and their associated personal development plans, and the operation of the fiduciary organization itself -- all as approved by the Department and with such modifications as the Department may require. A prospective program plan must accompany any application to the Department for its approval of a fiduciary organization.
- (7) "Financial institution" means an organization regulated under ORS Chapters 706 to 716, 722 or 723, or in the case of an account established for the purpose described in ORS 458.685(1)(c) related to college savings plans, a financial institution as defined in ORS 348.841.
- (8) "Individual development account (IDA)" or "account" means a contract between an account holder and a fiduciary organization for the deposit of funds into a financial institution by the account holder, and the deposit of matching funds into a financial institution by the fiduciary organization, to allow the account holder to accumulate assets for use toward achieving a specific purpose approved by the fiduciary organization.
- (9) "Lower income household" means a household having an income equal to or less than the greater of the following:
 - (a) 80 percent of the median household income for the area as determined by the Department., In making the determination, the Department shall give consideration to any

Deleted: ing

Formatted: Right: 0.25"

data on area household income published by the United States Department of Housing and Urban Development.

Deleted: data

(b) 200 percent of the poverty guidelines as determined by the Department. In making the determination, the Department shall give consideration to poverty guidelines published by the United States Department of Health and Human Services or may consider other income data periodically published by other federal or Oregon agencies.

(10) "Median Household Income" means, for the appropriate household size, the higher of:

(a) The median family income for the Metropolitan Statistical Area or county as published annually by the United States Department of Housing and Urban Development, or

(b) The statewide median family income for Oregon as published annually by the United States Department of Housing and Urban Development.

(11) "Net worth" means the value of all assets owned in whole or part by household members other than equity in a residence and one vehicle minus the total debts and obligations of household members, all as measured at the time the prospective account holder applies to establish the IDA.

(12) "Oregon individual development account tax credit" or "tax credit" means a credit against taxes otherwise due under ORS Chapter 316, 317, or 318, as allowed in return for contributions to a fiduciary organization for eventual distribution to individual development accounts established under ORS 458.685.

(13) "Personal development plan" means a written plan developed jointly by the fiduciary organization and the prospective account holder for an IDA that is designed to provide the account holder with appropriate financial and asset training, counseling, career or business planning and other services that will increase the self-reliance of the account holder and his/her household through achievement of the IDA's approved purposes. The personal development plan must be in conformance with ORS 458.680, these rules and other requirements of the Department.

(14) "Related funds" means contributions to fiduciary organizations for IDA program purposes that do not qualify for tax credits and supplemental funding from the Department for IDA program purposes.

(15) "Resident of this state" has the meaning given in ORS 316.027

(16) "Reverted funds" means matching IDA deposits that devolve to a fiduciary organization because of the termination or revocation of a person as an account holder or unused tax credit contributions or supplemental funds upon termination or revocation of a fiduciary organization or at the expiration of its program plan.

(17) "Supplemental funding" means funds provided by the Department to fiduciary organizations for program plan purposes.

(18) "Tax credit contributor" means a contributor who receives a corresponding tax credit as allowed in ORS 315.271.

(19) "Tax credit contributions" means funds obtained from tax credit contributors who, in return, earn a tax credit.

(20) "Trust Land" means all lands held in trust by the United States on behalf of an Indian Tribe or individual Indian.

Stat. Auth.: ORS 456.555, 456.625 & 458.700

Stats. Implemented: ORS 315.271 & 458.670 - 458.700

Formatted: Right: 0.25"

813-300-0100

Fiduciary Organization Records and Reporting Requirements

(1) Fiduciary organizations shall prepare and maintain appropriate, accurate and complete program plan record-keeping systems and records satisfactory to the Department. Such record-keeping systems also must cover and include records generated by third-party contractors and other program plan partners.

(2) A fiduciary organization must maintain separate files for each account holder that, at a minimum, includes the following records:

- (a) Documentation of income eligibility;
- (b) The personal development plan;
- (c) The IDA;
- (d) Records of all IDA deposits, withdrawals, and other financial information;
- (e) Evidence of training received;
- (f) Documentation of any determination with respect to the status of the account holder or any beneficiaries;
- (g) Documentation of any exit interviews; and
- (h) Any other information required by the Department.

(3) Fiduciary organizations shall maintain such program plan record-keeping systems and records at their principal place of business in Oregon.

(4) Fiduciary organizations shall maintain program plan records for a period of six (6) years from the date of completion or termination of each account holder's or designated beneficiary's personal development plan and the expiration of the IDA. The Department may require fiduciary organizations to maintain records for longer periods including, without limit, for unresolved audit matters.

(5) The Department, the Office of the Secretary of State, and the Department of Justice shall be permitted to inspect, copy, and audit any and all program plan records and take other action that to them seems appropriate in the conduct of such inspections or audits.

(6) Fiduciary organizations shall file quarterly reports with the Department in form, substance and timing acceptable to the Department. (7) Quarterly reporting periods end on March 31, June 30, September 30, and December 31 of each calendar year. Fiduciary organizations shall deliver quarterly reports to the Department no later than 5:00 p.m. on the date determined by the Department. Reports shall be in a format approved by the Department.

(8) In addition to participating in data collection and reporting as required by the Department, quarterly and/or annual reports shall include, but are not limited to, the following: (a) Summary demographic data and cumulative totals regarding current account holders;

(b) New account and graduate reports regarding account holders entering and exiting program; (c) A funds tracking report accounting for funds allocated to account holders, dispersed as match, for program delivery, for administration, and for funds held in reserve, in a format agreed upon with the Department;

(b) IDA deposit and withdrawal data (approved and non approved) by month, including separately identified matching IDA deposits and withdrawals;

(c) Documentation of administrative, third party contractor and other program plan partner costs and disbursements; and

Deleted: ¶

Deleted: Unless indicated otherwise by the Department, f

Deleted: last working day within 30 days following the last day of that quarterly reporting period

Deleted: any other information required by the Department,

Deleted: ¶

Deleted: ¶

Deleted:

Formatted: Not Highlight

Formatted: Space Before: 0 pt, After: 0 pt

Formatted: Right: 0.25"

~~(d) Documentation of tax credit contributions and related funds receipts.~~

~~(9) Fiduciary organizations also shall file annual reports with the Department in form, substance and timing acceptable to the Department.~~

~~(10) The annual report shall cover the fiscal year of the fiduciary organization and shall be filed by the fiduciary organization with the Department not later than ninety (90) days following the end of each fiscal year of the fiduciary organization. Unless otherwise expressly approved in writing by the Department, each fiduciary organization's fiscal year shall run concurrently with the calendar year, i.e., January 1 through December 31.~~

~~(11) At a minimum, fiduciary organization annual reports shall include:~~

~~(d) Any other information **or reports** the Department may require, for the purpose of making a return on investment analysis or for any other purpose of the Department.~~

~~(12) Fiduciary annual reports must be in a format approved by the Department that, in addition to providing aggregate IDA data, also collectively identifies and tracks IDAs by the year of their creation. Stat. Auth.: ORS 456.555, 456.625 & 458.700~~

~~Stats. Implemented: ORS 315.271 & 458.670 - 458.700~~

Deleted: ¶

Deleted: ¶

Formatted: Right: 0.25"