



# Oregon

Governor Kate Brown

## Housing and Community Services

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Final Report, June 1, 2015

Housing Choice Advisory Committee Report to the 78<sup>th</sup> Oregon Legislature

In 2013, the 77<sup>th</sup> Oregon State Legislature passed HB 2639. HB 2639 expands protections under Oregon State housing discrimination law to people with federal U.S. Department of Housing and Urban Development (HUD) Housing Choice Vouchers, also known as Section 8. It changes the law to include federal, state, or local rent assistance as a protected source of income, which means that tenants cannot be denied residency solely based on their use of a voucher or other rental assistance to pay the rent. The bill also creates a Housing Choice Landlord Guarantee Program to provide financial assistance to landlords to mitigate damages caused by tenants with Housing Choice Vouchers.

Housing Choice Vouchers are a federal program, funded and administered by the U.S. Department of Housing and Urban Development (HUD). Funding is passed to local Public Housing Authorities, which serve every county in Oregon. As of December 2014, HUD estimates that there is enough funding allocated for the year to provide 34,726 vouchers to Oregon households, including 1,501 vouchers specifically for veterans through the Veterans Affairs Supportive Housing (VASH) Program. Housing Choice Vouchers allow a tenant to seek out a private market rental unit, and an agreement is put in place between the Public Housing Authority, the tenant, and the landlord. Tenants typically pay 30% of their income towards their rent, and the Public Housing Authority, with funding from the federal government, pays the remainder up to a certain rent. These vouchers and the system are heavily regulated and are extremely limited. Nationally, one in four eligible households receives a voucher, and in Oregon many housing authorities have their waiting lists closed because they are so long.

### *Implementation of HB 2639*

HB 2639 was passed in the 2013 Legislative session, and went into effect July 1, 2014. There are several components to the Legislation:

- It expands the anti-discrimination protections for source of income to include local, state, and federal rent assistance. Previously the law had specifically allowed landlords to not accept rent assistance as a form of payment and to reject applicants for housing who had rent assistance. Landlords can no longer do that. This change means that landlords need to consider tenants with rent assistance as they would any other tenant.
- It specifies that landlords can screen tenants based on past conduct (in accordance with other state law and fair housing laws) and ability to pay rent.
- It creates a Housing Choice Landlord Guarantee Program and Fund, specifically to reimburse landlords for property damages caused by tenants with Housing Choice Vouchers, up to \$5000. It requires that tenants repay the program for any reimbursement of the landlord.



- It creates a Housing Choice Advisory Committee, to be made up of landlords or their advocates, tenants or their advocates, and Public Housing Authority representatives, to monitor implementation of the law.

There are a number of factors which influence the successful implementation of HB 2639. Two factors in particular have been making implementation more challenging over the past eleven months:

- The rental market has been undergoing significant change in the past year. Landlords and tenants are seeing increasing rents across much of the state, and in particular in the Portland metro area and in Central Oregon. For tenants with Housing Choice vouchers, the rise in rents means there are fewer places to use their voucher because of limits on assistance from HUD.
- The rental market has also been experiencing decreasing vacancy rates, meaning there are fewer and fewer apartments available to rent. This also has the effect of raising rents. Bend has been particularly challenged by low vacancy rates. Market surveys indicate that the city of Bend has less than a half a percent vacancy rate, and the surrounding area also has very low vacancy. The Portland metro area, the Coast, and Southern Oregon are also struggling with low vacancy rates.

These factors mean that all tenants have a difficult time finding an affordable rental home. Anecdotal evidence suggests that Housing Choice voucher tenants have an even more difficult time searching for an affordable rental, and barriers such as poor rental history or credit history may make the search even more difficult.

#### *Implementation of Landlord Guarantee Program*

OHCS is responsible for developing, implementing, and administering the Housing Choice Landlord Guarantee Program. Prior to July 1, 2014, OHCS engaged a Rules Advisory Committee to help write rules for the Landlord Guarantee Program. The Rules Advisory Committee included various stakeholders who were involved with the original legislation, including representatives of tenants, landlords, and housing authorities. (A copy of the membership is included as Appendix A, along with the membership of the Housing Choice Advisory Committee) In conjunction with the Department, the advisory committee agreed upon rules to govern the Housing Choice Landlord Guarantee Program. (A copy of the rules, Oregon Administrative Rule 813-360, is attached as Appendix B.)

The Housing Choice Landlord Guarantee Program is designed to provide financial assistance to landlords to mitigate losses from unpaid rent or damages caused by tenants as a result of their occupancy under the Housing Choice Voucher Program. A landlord may apply for financial assistance to reimburse the landlord for qualifying damages.

To be eligible for the program, landlords must have leased to tenants through the Housing Choice Voucher Program. The damages to the residence must exceed normal wear and tear, and

must have occurred after July 1, 2014. The landlord must have obtained a court judgment for at least the amount claimed, up to \$5,000, and must file the claim with OHCS within one year of the judgment. (Details on the program eligibility rules and processes are found in the program factsheet, attached as Appendix C.)

Initially, the Legislature committed General Fund dollars and directed OHCS to utilize an existing corpus from a separate rent guarantee fund to create an initial corpus of \$475,000. As of March 31, 2015, the program has paid out just over \$31,500 in claims. The Governor’s Recommended Budget for 2015-17 includes an additional \$307,287 of General Fund resources for the Guarantee Fund and program administration in the Housing and Community Services Department Budget.

The following chart represents three quarters, July 1, 2014 – March 31, 2014 of approved claims.

	Claim 1 (September 2014)	Claim 2 (December 2014)	Claim 3 (December 2014)	Claim 4 (February 2015)	Claim 5 (February 2015)	Claim 6 (March 2015)	Claim 7 (March 2015)
Judgment Amount	\$4641.18	\$5231.00	\$5949.25	\$6,578.00	\$6,845.85	\$2,397.37	\$4,460.01
Court Ordered Interest	9%		9%	9%		9%	
Unpaid Rent	\$602.00		\$113.00				
Vacancy Loss	\$871.36						\$850.00
Lease Violation Fees							
Late Fees	\$100.00						
Property Damages	\$2867.50	\$5000.00	\$5306.00	\$6,527.00	\$6,617.85	\$2,211.37	\$3,379.01
Court Costs	\$248.00	\$131.00		\$131.00	\$135.00	\$93.00	\$131.00
Legal Fees	\$40.00	\$100.00		\$100.00	\$93.00	\$93.00	\$100.00
Total Claim Paid	\$4728.86	\$5000.00	\$5000.00	\$5000.00	\$5000.00	\$2,397.37	\$4,460.01

The average claim paid from July 1, 2014 – March 31, 2015 has been \$4,512; the average judgment amount has been \$5,517. To date, OHCS has attempted to make contact with all tenants who have had claims filed against them for the purposes of repayment.

*Housing Choice Advisory Committee*

According to the legislation, the Housing Choice Advisory Committee shall advise the department with respect to matters of interest and concern regarding the Housing Choice Voucher Program; discuss and share best practices for maximizing participation by landlords and tenants in the Housing Choice Voucher Program; and develop strategies and outcome measures for gauging the effectiveness of the Housing Choice Voucher Program. The committee shall also prepare and submit a report to the committees of the Legislature that have authority over housing during each regular session.

Since the members of the body were named in July 2014, they have met several times to discuss implementation of the law; challenges facing landlords, tenants, and public housing authorities; use of the guarantee program; and other topics pertinent to implementation. (Agendas for the Housing Choice Advisory Committee since inception are attached as Appendix D).

#### *Data Collection*

The bill also requires that local housing authorities report data to OHCS regarding participation in the Housing Choice Voucher Program. The goal of this data is to recognize that the Housing Choice Voucher program is one of the biggest affordable housing resources we have in Oregon, and to understand the role that it plays and how it works. We are currently waiting to see whether HUD can provide a statewide report on this data. The report will be sent to the Legislature as soon as it is available.

#### *Other Efforts*

In addition to the work of the Housing Choice Advisory Committee, there has been significant effort by outside entities working to ensure successful implementation of the law. Those entities include the foundation Meyer Memorial Trust; organizations which advocate on behalf of tenants including Community Alliance of Tenants, Oregon Law Center, and Lane County Legal Aid; organizations which represent landlords including Multifamily Northwest, Oregon Rental Housing Association, and the Rental Housing Alliance Oregon; and Public Housing Authorities and their representative, Oregon Housing Authorities; as well as other organizations and agencies such as the Bureau of Labor and Industries (BOLI) and the Fair Housing Council of Oregon.

These organizations have begun significant education and training for tenants, housing authorities, landlords, legal aid attorneys, and more, often working cooperatively. Since July 1, 2014 nearly 50 trainings have taken place. (See Appendix E for a list of trainings conducted to date.) In addition, there are trainings scheduled in 2015 in Portland, Eugene, Medford, Bend/Redmond, and LaGrande for housing authorities. At these trainings, staff will receive materials and instruction on hosting trainings for local landlords, and the statewide association of housing authorities anticipates numerous local events throughout 2015.

Meyer Memorial Trust launched a renewed Affordable Housing Initiative in 2014, and as part of that Initiative, it focused some grant funding on implementation of HB 2639. The grants primarily focused on increased education for landlords and tenants, but also include a range of other innovative strategies to increase successful tenancies through landlord pre-inspection programs, tenant navigation services, and deposit assistance. (See Appendix F for a list of grantees.)

Meyer Memorial Trust also held a webinar that included a Meyer Memorial Trust program officer as well as experts from a landlord association, a public housing authority, and legal aid. This was an effort of the Housing Choice Education Partnership, a collaboration of the Oregon Law Center, Oregon Housing Authorities, and Multifamily Northwest. The webinar covered how landlord and tenant advocates interpret the law, what the law covers, and impacts of the law on local communities. The archived webinar can be found here: <http://www.mmt.org/node/19665>. Through a grant from Meyer Memorial Trust, Oregon Law Center, Oregon Housing Authorities, and Multifamily NW have developed an educational video which can be found here: <http://youtu.be/tGk9HhSTrbQ>. In addition, the Housing Choice Education Partnership will be working to support rural public housing authorities to conduct trainings in their communities.

Several organizations have also developed educational materials. Oregon Law Center has created a variety of informational materials, including information on the types of tenant vouchers, questions about the new law, and in progress are educational materials for tenants. Currently, there is work on a “Frequently Asked Questions” document for landlords, tenants, housing authorities, and attorneys. (See Appendix G for the educational materials created by the Oregon Law Center.)

Creative partnerships are also forming to help tenants find new housing with their vouchers. In Lane County, the Oregon Rental Housing Association has partnered with the Public Housing Authority, Housing and Community Services of Lane County to better serve veterans. Veterans are specifically eligible for a type of Housing Choice voucher – the Veterans Affairs Supportive Housing or VASH voucher. These vouchers act like Housing Choice vouchers but specifically serve homeless veterans who are receiving services from the VA. In Lane County, the housing authority has resources to help veterans utilize their vouchers and are seeking assistance from landlords willing to rent to them. They are using creative education and outreach strategies to educate landlords about the program as well as the Landlord Guarantee Fund. This has spurred other efforts to educate landlords generally about the Housing Choice voucher program, and the housing authority has recently relaxed rules about the length of the lease term to incentivize participation. Landlords are also now holding trainings for prospective tenants to help them understand how to fill out sample applications.

The City of Portland and Central Oregon have also employed creative strategies to help house veterans such as additional funds to help with application fees and move in expenses.

### *Other Perspectives*

The implementation of HB 2639 continues to be complex and challenging. There are thousands of landlords across Oregon who own anywhere from one property to many hundreds of rental units, and educating them as well as Housing Choice voucher holders is a vast undertaking. Members of the Housing Choice Advisory Committee believe that the process to date is moving forward well and are happy with implementation. Several members of the Committee feel this law is an example of what can happen when parties come together to resolve differences and improve our laws and policies. Overall, the Committee and others feel this has been successful to date. However, there remain landlords and others who have not yet learned about the law or who are unwilling to comply. The Committee routinely hears from lawyers and the Fair Housing Council of Oregon (FHCO) about these situations. In 2015, the Committee expects to hear semi-regular updates from the Bureau of Labor and Industries about its enforcement of the law. The committee is including in this report a brief statement from FHCO on its perspective (see insert).

*Fair Housing Council of Oregon (FHCO) continues to receive calls nearly every day about landlords who refuse to consider applicants with housing subsidies. In most cases, landlords express a lack of awareness of this change in the law and are grateful for the information. Some landlords say they prefer to risk a formal complaint because they do not wish to consider renting to someone who receives a housing subsidy, others say they will charge a higher deposit or raise the rent if they are forced to consider the voucher-holder applicant, and still others remove the "no Section 8" language from the ad, but do not indicate they will change their rental criteria.*

*- Pegge McGuire  
Executive Director, FHCO*

### *Next Steps*

The Housing Choice Advisory Committee will continue to address questions, concerns, and issues related to implementation of HB 2639. Moving forward, the Committee has identified a number of issues for discussion including but not limited to:

- Monitoring efforts by Public Housing Authorities to seek federal waivers from some requirements around inspections and other regulations associated with the Housing Choice Voucher program, and coordinating regarding potential waiver requests;
- Monitoring the Landlord Guarantee Fund and claims made;
- Monitoring education efforts for landlords, housing authorities, and tenants;
- Monitoring compliance efforts;
- Monitoring claims to the Landlord Guarantee Fund to learn from trends;
- Determining strategies and outcome measures for gauging effectiveness;
- Understanding market conditions and their impact on Housing Choice Voucher holders and landlords;

- Seeking ways to improve relationships between landlords and housing authority staff;
- Seeking ways to improve the Housing Choice Voucher program for all participants;
- Seeking ways to improve the inspections process that will improve the Housing Choice Voucher program for all participants;
- Better understand the previous landlord guarantee program run by OHCS – the Rent Well program – and make recommendations about the future of this program and whether it is re-established; and
- Seeking ways to help educate tenants about their rights, responsibilities, and the way vouchers work (including rent and utility allowances).

The Housing Choice Advisory Committee looks forward to reporting to the 78<sup>th</sup> Oregon Legislature. The Committee will continue to meet regularly throughout 2015 and looks forward to continued progress in implementation of HB 2639.



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## Housing Choice Advisory Committee Membership

*(As of July 1, 2014)*

**Sybil Hebb**, Director of Policy Advocacy, Oregon Law Center

**Deborah Imse**, Executive Director, Multifamily NW

**Dale Inslee**, Executive Director, Northeast Oregon Housing Authority

**Todd Johnson**, Executive Director, Northwest Oregon Housing Authority

**Amy Martin**, Housing Advocate Coordinator, Neighbor Impact

**Phil Owen**, Legislative Committee Chair, Rental Housing Association of Greater Portland

**Jill Smith**, Director of Rent Assistance, Home Forward

**Jim Straub**, Legislative Director, Oregon Rental Housing Association

**John Van Landingham**, Attorney, Lane County Legal Aid

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Section 8 Rule Making Committee

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<b>Name</b>	<b>Organization</b>
<b>Tom Cusack</b>	Oregon Housing Blog
<b>Ryan Fisher</b>	NW Public Affairs, Oregon Housing Authorities
<b>Andy Wilch</b>	Salem Housing Authority
<b>Jill Smith</b>	Home Forward
<b>Steve Rudman</b>	Home Forward
<b>Janet Byrd</b>	Neighborhood Partnerships
<b>Sybil Hebb</b>	Oregon Law Center
<b>John Van Landingham</b>	Lane County Legal Aid & Services
<b>Shawn Miller</b>	Miller Public Affairs
<b>Jim Straub</b>	Oregon Rental Housing Association
<b>Phil Owen</b>	Rental Housing Association of Greater Portland
<b>Cindy Robert</b>	Rental Housing Association of Greater Portland
<b>Deborah Imse</b>	Metro Multi-Family Housing Association
<b>Gwenn Baldwin</b>	Metro MultiFamily Housing Association
<b>Tim Inman</b>	Legislative Director, Office of Speaker Kotek

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► **The Oregon Administrative Rules contain OARs filed through February 15, 2015** ◄

**QUESTIONS ABOUT THE CONTENT OR MEANING OF THIS AGENCY'S RULES?**  
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## HOUSING AND COMMUNITY SERVICES DEPARTMENT

### DIVISION 360

#### HOUSING CHOICE LANDLORD GUARANTEE PROGRAM

##### 813-360-0000

##### Purpose and Objectives

The rules in OAR chapter 813, division 360 are promulgated to accomplish the general purpose of implementing ORS 456.375 to ORS 456.390 (the "Act"), which designates the Housing and Community Services Department, herein after referred to as "the Department" as the state agency responsible for developing and administering the Housing Choice Landlord Guarantee Program and set forth the program requirements. The purpose of the program is to provide certain financial assistance to qualifying landlords to mitigate damages caused by tenants as a result of occupancy under the Housing Choice Voucher Program.

Stat. Auth.: ORS 456.555

Stats. Implemented: ORS 456.375 to 456.390

Hist.: OHCS 32-2014, f. & cert. ef. 6-24-14

##### 813-360-0010

##### Definitions

Words and terms used in OAR chapter 813, division 360 should be construed as defined or used in the Act, in 813-005-0005, or in this division unless the context clearly requires otherwise. For purposes of this division:

- (1) "Claim" means a claim in form and substance acceptable to the department filed by a landlord for program assistance to reimburse the landlord for qualifying damages awarded in a final judgment as further provided in these rules.
- (2) "Housing Choice Landlord Guarantee Program" or "program" means the program established in the Act as further set forth in this division.
- (3) "Housing Choice Landlord Guarantee Program Fund" or "fund" means the fund established pursuant to ORS 456.385 for the reimbursement of qualifying program damages.
- (4) "Housing Choice Voucher Program" means the federal tenant-based assistance program established under 42 USC 1437(f)(o).
- (5) "Landlord" means an owner of a dwelling unit that has entered into an agreement with a local housing authority to receive tenant-based assistance payments under the Housing Choice Voucher Program and that has entered into a rental or lease agreement with a tenant determined to be eligible to receive assistance under the Housing Choice Voucher Program. "Landlord" includes a person who is authorized by the owner, lessor or sublessor to manage the premises or to enter into a rental agreement.
- (6) "Local housing authority" means a housing authority defined in ORS Chapter 456 that has entered into a contract with the Secretary of Housing and Urban Development of the United States pursuant to which the housing authority is authorized to make tenant-based assistance payments to landlords within a designated county or area of operation under the Housing Choice Voucher Program.
- (7) "Program assistance" means reimbursement funding to a landlord by the department from the Housing Choice Landlord Guarantee Program Fund pursuant to these rules in response to a claim filed with the department by a landlord.
- (8) "Tenant" means an individual or a family eligible to receive tenant-based assistance payments under the Housing Choice Voucher Program who has entered into a rental or lease agreement with a landlord.

Stat. Auth.: ORS 456.555  
 Stats. Implemented: ORS 456.375 to 456.390  
 Hist.: OHCS 32-2014, f. & cert. ef. 6-24-14

### **813-360-0020**

#### **Program Administration**

(1) The department, in its sole discretion, may choose to contract with one or more public or private provider(s) for the administration of the Housing Choice Landlord Guarantee Program. The department is not subject to the provisions of ORS chapter 279A or 279B in procuring or effectuating such a contract.

(2) If the department chooses to contract for the administration of the program:

(a) The department will do so in accordance with OAR chapter 813, division 6 as supplemented herein.

(b) The department will publish solicitations, application requirements, award criteria, and deadlines through the Oregon Procurement Information Network (ORPIN).

(c) The department will provide stakeholders, including the Housing Choice Advisory Committee as created by ORS 456.390(4), with the opportunity to provide input regarding the contract award process.

Stat. Auth.: ORS 456.555  
 Stats. Implemented: ORS 456.375 to 456.390  
 Hist.: OHCS 32-2014, f. & cert. ef. 6-24-14

### **813-360-0030**

#### **Landlord Eligibility**

(1) In order to be eligible for program assistance, a landlord must first obtain a judgment with a monetary award against a tenant from a court in the county in which the tenant or the property is located.

(a) The judgment must be from a circuit court, the small claims department of a circuit court, or a justice court.

(b) The time frame for appeal of the judgment must have expired without appeal or the judgment must otherwise not be subject to further judicial review.

(2) Program assistance is limited to reimbursement for those amounts covered in a judgment that are related to property damage, unpaid rent or other damages satisfactorily described and documented in a claim to the department from a landlord and:

(a) Incurred after July 1, 2014;

(b) Caused as a result of the tenant's occupancy pursuant to a rental agreement under the Housing Choice Voucher Program in effect at the time the damage was incurred;

(c) That exceed normal wear and tear; and

(d) That are in excess of \$500, but not more than \$5,000 per tenancy.

(A) Program assistance for damages in amounts less than \$500 may be provided by the department, when a partial amount still owes on a judgment in excess of \$500. For example, if a landlord has received a payment of \$400 on a \$700 judgment for qualifying damages, the landlord may seek reimbursement for the remaining \$300 owing to it under the judgment.

(B) Program assistance for damages up to \$5,000 may be provided by the department on a judgment that is in excess of \$5,000. For example, if a landlord has a judgment for \$7,000 of qualifying damages, the landlord may seek reimbursement for up to \$5,000 of the qualifying damages.

(3) Qualifying damages included within the meaning of property damage, unpaid rent or other damages may include:

(a) Attorney fees, court costs, and interest;

(b) Loss of rental income during the time required for repairs to with respect to qualifying property damage;

(c) Lease-break fees;

(d) Other costs related to lease violations by a tenant.

(4) A landlord may not seek, accept or retain program assistance from the department for amounts paid to the landlord for qualifying damages by the tenant or by a third party.

(5) If, after submitting a claim for program assistance to the department, a landlord receives payment for any claimed damages from a tenant or a third party, the landlord must notify the department within ten (10) days of such payment.

(6) A landlord must provide restitution to the department for overpaid program assistance within forty-five (45) days.

(7) The department shall maintain a record of program assistance provided to a landlord to assist it in determining if there has been an overpayment of program assistance to that landlord.

(8) The following examples are illustrative of when restitution may or may not be owed by a landlord to the department. Any amounts paid to the landlord shall be applied to the sum total of the qualifying judgment owed the landlord:

(a) Example 1: A qualifying judgment is \$6,000. The landlord receives a \$5,000 reimbursement from the fund, and a \$1,000 payment from the tenant. The landlord reports the receipt of \$1,000. There has been no overpayment.

(b) Example 2: A qualifying judgment is for \$6,000. The landlord receives a \$5,000 reimbursement from the fund, and a \$2,000 payment from the tenant. The landlord reports the \$2,000. There has been a \$1,000 overpayment to the landlord, which must be reimbursed to the department by the landlord.

(9) A landlord must submit a claim for program assistance to the department within one year from the date of the expiration of the right to appeal a qualifying judgment against a tenant or the date after which the judgment is not subject to further appeal.

(10) A landlord must file a satisfaction of judgment in the amount of any program assistance received from the department in the court from which the judgment against the tenant was obtained. A copy of this filed satisfaction must be delivered to the department within 30 days of the landlord's receipt of the program assistance.

Stat. Auth.: ORS 456.555

Stats. Implemented: ORS 456.375 to 456.390

Hist.: OHCS 32-2014, f. & cert. ef. 6-24-14

### **813-360-0040**

#### **Claim for Assistance**

(1) The department will provide the required form or information for a claim for program assistance on its website. A claim must include a signed declaration by the landlord as to the truth of matters asserted, including but not necessarily limited to:

(a) An attestation regarding how the damages submitted for reimbursement meet the criteria set out in OAR 813-360-0030 (Landlord Eligibility);

(b) The tenant's last known address and the address used to accomplish service of the court pleadings on the tenant, if different;

(c) The landlord's current mailing or contact address;

(d) The specific address of the property where the tenant resided at the time the damage was incurred;

(e) A list of any payments the landlord has received towards the judgment, either by the tenant or a third party.

(2) The claim must be accompanied by:

(a) A copy of the complaint;

(b) A court-certified copy of the judgment;

(c) A copy of the final security deposit accounting containing an itemization of damages;

(d) A copy of the pre- and post-tenancy inspection reports, if any;

(e) A copy of Part A of the Housing Choice Voucher Program agreement between the landlord, the tenant, and the housing authority, for the property where the damage was incurred; and

(f) Such other information as the department may require.

Stat. Auth.: ORS 456.555

Stats. Implemented: ORS 456.375 to 456.390

Hist.: OHCS 32-2014, f. & cert. ef. 6-24-14

### **813-360-0050**

#### **Awards of Assistance**

(1) Prior to approving a claim for program assistance, the department will:

(a) Determine if the claim is complete and satisfies the criteria necessary to be a qualifying claim, including as set out in OAR 813-360-0030 and 813-360-0040;

(b) Verify with the public housing authority that the tenant was a voucher holder at the time the tenancy was terminated.

(2) The department will endeavor to review claims for program assistance and make awards of program assistance for qualifying applications within 45 days of its receipt of all required information. The department may choose to require the submittal of additional or clarifying information.

Stat. Auth.: ORS 456.555

Stats. Implemented: ORS 456.375 to 456.390

Hist.: OHCS 32-2014, f. & cert. ef. 6-24-14

### **813-360-0060**

#### **Tenant Repayment Plans**

(1) When a payment of program assistance is made to a landlord, the department will require the responsible tenant to repay the full or a partial amount of any program assistance paid to the landlord and shall offer the responsible tenant a reasonable repayment agreement that provides for repayment by the tenant to the department of the full or a partial amount of the program assistance paid to the landlord.

(2) Repayment plans from the department shall take into account factors the department deems relevant as to capacity for repayment, including but not limited to the tenant's family size, monthly income, debt obligations, and the family's ability to meet the basic needs of the household.

(3) After the department pays a claim for program assistance to a landlord, the department will serve a notice upon the responsible tenant that informs the tenant of the following:

(a) That the tenant must repay to the department the amount of any program assistance paid to a landlord on the tenant's behalf;

(b) That the tenant may enter into a reasonable repayment agreement with the department to repay the full or a partial amount of any program assistance paid to a landlord on the tenant's behalf. The tenant may request a repayment plan by contacting the department;

(c) That the tenant may request a waiver of the repayment requirement for good cause by contacting the department;

(d) That if the tenant does not enter into a repayment agreement or make good faith efforts to comply with the terms of a repayment agreement, or otherwise fails to repay the full or an agreed-upon partial amount of assistance paid to the landlord on the tenant's behalf, the department may seek to collect any amount remaining unpaid by the tenant;

(e) That the department will make available upon request by local housing authorities and landlords information regarding a tenant's compliance with the provisions of this section, including records of repayments made by the tenant, where applicable;

(f) That the tenant may seek a waiver of repayment requirements under this section for good cause shown and may contest the department's determination that the tenant has an obligation to repay any amounts of assistance paid to a landlord on the tenant's behalf, in accordance with ORS Chapter 183; and

(g) The means by which a tenant may contest the department's determination that the tenant has an obligation to repay any program assistance, its determination as to a tenant's failure to comply in good faith with a repayment agreement, or the department's determination with respect to any requested waiver of repayment.

(4) The department will waive program assistance repayment requirements upon its determination of good cause for such waiver. The department may waive other requirements of the Act and this division upon its determination of good cause for such waiver. Factors that the department may consider if there is good cause for waiver include, but are not limited to the following:

(a) The landlord has already been paid, either by the tenant or a third party;

(b) The damages resulting in the judgment were the result of domestic violence, sexual assault, stalking, or other crime of which the tenant or someone in the tenant's household was the victim;

(c) The tenant and family have insufficient income, including all financial assistance and subsidies, to meet the basic minimum needs of the household; and

(d) Other extenuating circumstances as further defined in the guidelines.

(5) Amounts repaid by tenants under this section will be deposited by the department into the

fund.

(6) The department may pursue any rights, remedies or processes provided at law or otherwise for the collection of unpaid amounts due from a tenant for program assistance paid to a landlord on the tenant's behalf.

(7) The department will, in accordance with ORS chapter 183, provide an opportunity for the tenant to contest the following:

- (a) The department's determination that the tenant has an obligation to repay the department,
- (b) That the tenant has failed to repay amounts due under a repayment agreement,
- (c) That the tenant has not made or is not making a good faith effort to comply with the repayment agreement;
- (d) That the tenant has not paid to the department the full or a partial amount of the assistance paid to a landlord on the tenant's behalf; or
- (e) That the department properly failed to waive a repayment obligation.

(8) The department will serve a notice of noncompliance upon a tenant in accordance with ORS 183.415 that states the amount of program assistance remaining unpaid by the tenant. If the notice is served by mail, it will be sent to the tenant's last known address, and the address used to accomplish service of the court pleadings on the tenant, if different.

(9) The department will note whether or not a tenant is in compliance with applicable repayment obligations and make that information available to local housing authorities and landlords at no cost. A tenant will be considered in compliance if the tenant has been granted a relevant waiver, or the department determines that the tenant has made or is making good faith efforts at repayment. The department will note if the full amount of program assistance has been repaid.

- (a) The contact number or email address that a landlord may use to request compliance information will be made available on the department's website.
- (b) The department will respond promptly to requests for compliance information.
- (c) The department will update compliance information on a timely basis, not less frequently than every 30 days.

Stat. Auth.: ORS 456.555

Stats. Implemented: ORS 456.375 - 456.390

Hist.: OHCS 32-2014, f. & cert. ef. 6-24-14

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# Housing Choice Landlord Guarantee Program

<p><b>Program Overview</b></p>	<p>Oregon Housing and Community Services (OHCS) was directed by the 77th Oregon Legislative Assembly to develop and implement the Housing Choice Landlord Guarantee Program. The Housing Choice Landlord Guarantee Program is designed to provide financial assistance to landlords to mitigate damages caused by tenants as a result of their occupancy under the HUD Housing Choice Voucher Program, also known as Section 8.</p>
<p><b>Eligibility Requirements</b></p>	<p>A landlord may apply for financial assistance to reimburse them for qualifying damages. To be eligible for the program, landlords must have leased to tenants through the HUD Housing Choice Voucher Program, also known as Section 8. The damages to the residence must exceed normal wear and tear, and must have occurred after July 1, 2014.</p> <p>To qualify for program assistance, a landlord must first obtain a judgment against a tenant from a court in an Oregon county, in which either the tenant or the property is located.</p> <ul style="list-style-type: none"> <li>a) The judgment must be from a circuit court, a small claims department of a circuit court, or a justice court;</li> <li>b) The time frame for appeal of the judgment must have expired without appeal or the judgment must otherwise not be subject to further judicial review.</li> </ul> <p>Program assistance is limited to reimbursement for those amounts covered in a final judgment. Claim reimbursements may include expenses related to property damage, unpaid rent, or other damages satisfactorily described and documented in a claim from the landlord to OHCS. Property damage claims must include the following:</p> <ul style="list-style-type: none"> <li>a) Property damage incurred after July 1, 2014;</li> <li>b) Property damage was caused as a result of a tenant’s occupancy, pursuant to a rental agreement under the Housing Choice Voucher Program at the time the damage was incurred;</li> <li>c) Damage to property exceeds normal wear and tear; and</li> <li>d) Expenses for repairs are in excess of \$500, but not more than \$5,000 per tenancy.</li> </ul>
<p><b>Types of Program Assistance</b></p>	<ul style="list-style-type: none"> <li>a) Partial Reimbursements: Program assistance may be available for damages in amounts less than \$500 when a partial amount is still owed on a judgment that is in excess of \$500. For example, if a landlord received a payment of \$400 on a \$700 judgment on qualifying damages, the landlord may seek reimbursement for the remaining \$300 owed to them under the judgment.</li> <li>b) Reimbursements up to \$5,000: Program assistance for damages up to \$5,000 may be provided on a judgment that is in excess of \$5,000. For example, if a landlord has a judgment for \$7,000 for qualifying damages, the landlord may see reimbursement for up to \$5,000 of the qualifying damages.</li> </ul>
<p><b>Qualifying damages include</b></p>	<ul style="list-style-type: none"> <li>a) Attorney fees, court costs, and interest;</li> <li>b) Loss of rental income during the time required for repairs to with respect to qualifying property damage;</li> <li>c) Lease-break fees;</li> <li>d) Pre-judgment and/or post-judgment interest;</li> <li>e) Other costs related to lease violations by a tenant such as repair labor, materials, disposal fees, etc.</li> </ul> <p style="text-align: right;">Continued -</p>



	<p>A landlord may not seek, accept or retain program assistance from the department for amounts already paid for qualifying damages by the tenant or by a third party. If, after submitting a claim for program assistance, a landlord receives payment for any claimed damages from a tenant or a third party, the landlord must notify the department within ten (10) days of such payment. A landlord must provide restitution to the department for overpaid program assistance within forty-five (45) days. The department will maintain a record of program assistance provided to a landlord to assist in determining if there has been an overpayment of program assistance.</p>
<p><b>Program Delivery</b></p>	<p>A landlord must submit a claim for program assistance to the Department within one year of obtaining a judgment against a qualified tenant. The time frame for appeal of the judgment must have expired without appeal or the judgment must otherwise not be subject to further judicial review. The application is available online at <a href="http://www.oregon.gov/ohcs/Pages/housing-choice-landlord-guarantee-assistance.aspx">http://www.oregon.gov/ohcs/Pages/housing-choice-landlord-guarantee-assistance.aspx</a>. After submission of the application, OHCS will notify applicants if the application is incomplete within ten (10) days. OHCS will process applications and payments to landlords within forty-five (45) days.</p> <p>After receiving assistance, a landlord must file a satisfaction of judgment within thirty (30) days in the amount of any program assistance received from the department in the court from which the judgment against the tenant was obtained. A copy of this filed satisfaction of judgment must be delivered to the department within forty (40) days of the landlord’s receipt of the program assistance.</p> <p>Tenants whose landlords have received a judgment against them and submitted claims for assistance will be requested to repay the assistance. OHCS will contact tenants to request repayment, and will assist in creating reasonable repayment plans. OHCS may waive or suspend debt owed by tenants as circumstances dictate. OHCS may also send the debt to the Department of Revenue for collection.</p>
<p><b>Program Assistance</b></p>	<p>Landlords who are considering renting to Housing Choice Voucher tenants who have had judgments filed against them may contact OHCS to determine whether the tenant is in compliance. Landlords should contact <a href="mailto:landlord.guarantee@oregon.gov">landlord.guarantee@oregon.gov</a>, or 1-800-453-5511 (choose option 8), and should expect a response within two (2) business days. To receive this information, the landlord will need to provide a tenant's name and the judgment number.</p>
<p><b>For more information</b></p>	<p>Individuals with questions about the program should contact:  <b>Ernest Kirchner, Program Analyst</b>  <a href="mailto:Ernest.Kirchner@oregon.gov">Ernest.Kirchner@oregon.gov</a>, or 1-800-453-5511 (choose option 8).</p>







## Housing Choice Landlord Guarantee Program Application

This form is for HUD Housing Choice Voucher Program, Section 8 landlords seeking reimbursement for unpaid rent and damages incurred by past Housing Choice voucher tenants. The following information is required to be submitted to Oregon Housing and Community Services.

**Please note:** Applications are for reimbursement. Claims are limited to amounts in excess of \$500 and less than \$5,000. A court judgment is required for all claimed amounts and must be attached.

**Landlord/Payee:**

Name listed on court judgment: \_\_\_\_\_  
 Mailing or Contact Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Reimbursement Request:**

**Amount**

Unpaid Rent	_____
Vacancy Loss	_____
Lease Violation Fees	_____
Late Fees	_____
Property Damages	_____
Court Costs	_____
Legal Fees	_____
Security Deposit	_____
Total Claim Amount (Must match or be less than court judgment.)	_____
Total Payments toward judgment received by landlord from any source.	_____
Total Payment due landlord (not to exceed \$5,000)	_____

Enter a negative number to subtract

**Tenant Information:**

Tenant Name: \_\_\_\_\_  
 Last Known Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Address where damages occurred: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Amount of Claim: \_\_\_\_\_  
 County of Claim: \_\_\_\_\_

**Housing Authority Information:**

Housing Authority Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Contact Name: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Court Judgment Information:**

Judgment entered date: \_\_\_\_\_  
 Judgment Case Number: \_\_\_\_\_

**Required Attachments:**

- Small Claim and Notice of Small Claim Form
- Court certified copy of final judgment (must identify landlord presenting the claim, the responsible tenant, and award amount)
- Final security accounting containing an itemization of damages, unpaid rent, and vacancy loss
- Pre and post inspection reports (if available)
- Housing Choice Voucher Program proof of participation identifying lease term, the landlord, tenant, and housing authority
- Completed W-9 showing the individual/company payee

**Legal Certification:**

The landlord (or property manager) attests by signing this document that all entries including all attachment entries are true and correct. Landlord will report within 10 days any payment on the judgment received after submission of this application for reimbursement and/or after reimbursement is received. The landlord also attests that no appeal of judgment has been filed or received related to this application for payment.

Landlord agrees to file a full or partial (as the case may be) satisfaction of judgment in the amount of the reimbursement with the court which issued the judgment within 30 days of payment from the guarantee program or any source. Landlord also agrees to send a copy of the filed satisfaction of judgment, within 10 days of filing, to the Landlord Guarantee program analyst at the address found at the top of this form.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

**For OHCS Office Use Only**

Received: _____	Approved: _____
PHA Contact: _____	Sent to Fiscal: _____
PHA Verified on: _____	Fiscal Paid: _____
Reviewed but not approved: _____	Satisfaction of Judgment Received: _____



Monday, September 8, 2014, 9 a.m. to 11 a.m.  
Oregon Housing and Community Services  
725 Summer Street, Room 124a, Salem OR 97301

- 9:00 Welcome & Introductions
- Introduction of Committee Members (Name, Organization, Role)
  - Introduction of HCS Staff (Name, Role)
- 9:10 Welcome from Margaret Van Vliet, Director, OHCS
- Welcome, Role of OHCS
- 9:20 Discussion of Role and Purpose of Housing Choice Advisory Committee
- Role defined in Legislation (see reverse)
  - Report to the 2015 Legislature
- 9:40 Update on Implementation to date
- Tenant/Legal Aid Perspective
    - o Sybil Hebb or John Van Landingham
    - o Amy Martin, Neighbor Impact
  - Landlord Perspective
    - o Deborah Imse, Multifamily NW
    - o Jim Straub, Oregon Rental Housing Association
    - o Phil Owen, Rental Housing Association of Greater Portland
  - Housing Authority perspective
    - o Jill Smith, Home Forward
    - o Dale Inslee, Northeast Oregon Housing Authority
    - o Todd Johnson, Northwest Oregon Housing Authority
- 10:30 Update from HCS Staff on Status of Landlord Guarantee Fund, Website
- 10:40 Discussion re: Committee Logistics
- Meeting Frequency and Location
  - Facilitation & Agenda Setting
  - Next Meeting
  - Suggested Agenda Items for Future Meetings
- 11:00 Adjourn

**HB 2639 (2013), Section 6, Subsection 4**

**(4)(a) There is created the Statewide Housing Choice Advisory Committee to be appointed by the Director of the Housing and Community Services Department. The director shall have discretion to determine the number of committee members and the duration of membership. The committee membership must be geographically representative of all regions of this state and shall include an equal number of representatives for each of the following:**

- (A) Local housing authorities or their representatives;**
- (B) Landlords of single and multiple dwelling units or their advocates; and**
- (C) Tenants or their advocates.**

**(b) The committee shall:**

- (A) Advise the department with respect to matters of interest and concern regarding the Housing Choice Voucher Program;**
- (B) Discuss and share best practices for maximizing participation by landlords and tenants in the Housing Choice Voucher Program; and**
- (C) Develop strategies and outcome measures for gauging the effectiveness of the Housing Choice Voucher Program.**

**(c) The committee shall prepare and submit a report to the committees of the Legislative Assembly that have authority over the subject area of housing on the date of the convening of each regular session of the Legislative Assembly regarding participation in and the effectiveness of the Housing Choice Voucher Program in this state.**



# Oregon

John A. Kitzhaber, MD, Governor

## Housing and Community Services

North Mall Office Building  
725 Summer St NE, Suite B  
Salem, OR 97301-1266  
PHONE: (503) 986-2000  
FAX: (503) 986-2020  
TTY: (503) 986-2100  
[www.ohcs.oregon.gov](http://www.ohcs.oregon.gov)

Monday, October 13, 2014, 9 a.m. to 11 a.m.  
Oregon Housing and Community Services  
725 Summer Street, Room 336, Salem OR 97301

9:00 Welcome & Introductions

9:10 Review of Agenda

9:15 Update on Implementation to date

- Tenant/Legal Aid Perspective
  - o Sybil Hebb, Oregon Law Center
  - o John Van Landingham, Lane County Legal Aid
  - o Amy Martin, Neighbor Impact
- Landlord Perspective
  - o Deborah Imse, Multifamily NW
  - o Jim Straub, Oregon Rental Housing Association
  - o Phil Owen, Rental Housing Association of Greater Portland
- Housing Authority perspective
  - o Jill Smith, Home Forward
  - o Dale Inslee, Northeast Oregon Housing Authority
  - o Todd Johnson, Northwest Oregon Housing Authority

10:15 Review of Possible Items for Discussion

10:30 Update from HCS Staff on Status of Landlord Guarantee Fund, Website

10:40 Discussion re: Committee Logistics

- Facilitation & Agenda Setting
- Next Meeting
- Suggested Agenda Items for Future Meetings

11:00 Adjourn





Monday, November 17, 2014, 9 a.m. to 11 a.m.  
Oregon Housing and Community Services  
725 Summer Street, Room 124b, Salem OR 97301

9:00 Welcome & Introductions

9:10 Review of Agenda

9:15 Update on Implementation to date

- Tenant/Legal Aid Perspective
  - o Sybil Hebb, Oregon Law Center
  - o John Van Landingham, Lane County Legal Aid
  - o Amy Martin, Neighbor Impact
- Landlord Perspective
  - o Deborah Imse, Multifamily NW
  - o Jim Straub, Oregon Rental Housing Association
  - o Phil Owen, Rental Housing Association of Greater Portland
- Housing Authority perspective
  - o Jill Smith, Home Forward
  - o Dale Inslee, Northeast Oregon Housing Authority
  - o Todd Johnson, Northwest Oregon Housing Authority
  - o Report back from OHA Statewide Association Meeting

10:00 Report to the Legislature

- Report is due to the Legislature in February
- Draft Outline – Reactions? Comments?
- Process: Next Steps?

10:30 Update from HCS Staff on Status of Landlord Guarantee Fund, Website, Media Review

10:40 Discussion re: Committee Logistics

- Facilitation
- Next Meeting – December? January?
- Suggested Agenda Items for Future Meetings

11:00 Adjourn



Monday, January 12, 2015, 10:30 a.m. to Noon.  
Oregon State Capitol  
900 Court Street NE, Room 254  
Salem OR 97301

10:30 Welcome & Introductions

10:35 Review of Agenda

10:40 Brief Updates on Implementation to date

- Tenant/Legal Aid Perspective
  - o Sybil Hebb, Oregon Law Center
  - o John Van Landingham, Lane County Legal Aid
  - o Amy Martin, Neighbor Impact
- Landlord Perspective
  - o Deborah Imse, Multifamily NW
  - o Jim Straub, Oregon Rental Housing Association
  - o Phil Owen, Rental Housing Association of Greater Portland
- Housing Authority perspective
  - o Jill Smith, Home Forward
  - o Dale Inslee, Northeast Oregon Housing Authority
  - o Todd Johnson, Northwest Oregon Housing Authority
  - o Report back from OHA Statewide Association Meeting

11:00 Report to the Legislature

- Review of Draft Report to the Legislature
- Reminder: Report is due to the Legislature in February
- Reactions? Comments? What's missing?
- Next Steps: Deadline for comments, Presentation to the Legislature

11:45 Update from HCS Staff on Status of Landlord Guarantee Fund, Website

11:55 Next Meeting

- Next Meeting – February?
- Suggested Agenda Items for Future Meetings

12:00 Adjourn



# Oregon

Governor Kate Brown

## Housing and Community Services

North Mall Office Building  
725 Summer St NE, Suite B  
Salem, OR 97301-1266  
PHONE: (503) 986-2000  
FAX: (503) 986-2020  
TTY: (503) 986-2100  
[www.ohcs.oregon.gov](http://www.ohcs.oregon.gov)

Monday, March 23, 2015, 10:30 a.m. to Noon.

Oregon State Capitol  
900 Court Street NE  
Salem OR 97301

10:30 Welcome & Introductions

Review of Agenda

10:35 Brief Updates on Implementation to date

- Tenant/Legal Aid Perspective
  - o Sybil Hebb, Oregon Law Center
  - o John Van Landingham, Lane County Legal Aid
  - o Amy Martin, Neighbor Impact
- Landlord Perspective
  - o Deborah Imse, Multifamily NW
  - o Jim Straub, Oregon Rental Housing Association
  - o Phil Owen, Rental Housing Association of Greater Portland
- Housing Authority perspective
  - o Jill Smith, Home Forward
  - o Dale Inslee, Northeast Oregon Housing Authority
  - o Todd Johnson, Northwest Oregon Housing Authority

10:50 Report to the Legislature

- Review of Draft Report to the Legislature
- Reactions? Comments? What's missing?
- Deadline for final comments and edits: March 30

11:20 Presentation of Report to the Legislature

- Discussion about possible presentation on the report

11:50 Update from HCS Staff on Status of Landlord Guarantee Fund

11:55 Next Meeting

- Next Meeting – April?
- Suggested Agenda Items for Future Meetings

12:00 Adjourn







# Oregon

Governor Kate Brown

## Housing and Community Services

North Mall Office Building  
725 Summer St NE, Suite B  
Salem, OR 97301-1266  
PHONE: (503) 986-2000  
FAX: (503) 986-2020  
TTY: (503) 986-2100  
[www.ohcs.oregon.gov](http://www.ohcs.oregon.gov)

Monday, April 27, 2015, 10:30 a.m. to Noon.

Oregon State Capitol  
900 Court Street NE, Room 167A  
Salem OR 97301

10:30 Welcome & Introductions  
Review of Agenda

10:35 Brief Updates on Implementation to date

- Tenant/Legal Aid Perspective
  - o Sybil Hebb, Oregon Law Center
  - o John Van Landingham, Lane County Legal Aid
  - o Amy Martin, Neighbor Impact
- Landlord Perspective
  - o Deborah Imse, Multifamily NW
  - o Jim Straub, Oregon Rental Housing Association
  - o Phil Owen, Rental Housing Association of Greater Portland
- Housing Authority perspective
  - o Jill Smith, Home Forward
  - o Dale Inslee, Northeast Oregon Housing Authority
  - o Todd Johnson, Northwest Oregon Housing Authority

10:50 Report to the Legislature

- Review of Final Report to the Legislature

11:10 Presentation of Report to the Legislature

- Review Outline
- Appoint members to present
- Discuss timing, next steps

11:40 Update from HCS Staff on Status of Landlord Guarantee Fund  
Discussion regarding Veterans Affairs Supportive Housing Vouchers & Guarantee Fund

11:55 Next Meeting

- Next Meeting
- Suggested Agenda Items for Future Meetings

12:00 Adjourn



## Fair Housing Training: Bureau of Labor and Industries (BOLI)

Representatives from the Bureau of Labor and Industries Technical Assistance for Employers Program and Civil Rights Division will present a series of public training for housing providers, community groups and other interested individuals on Oregon fair housing laws deemed substantially equivalent to the federal Fair Housing Act. Training topics will include federal and Oregon protected classes, disability accommodations, assistance and companion animals, familial status, reasonable occupancy standards, and new requirements for Section 8 housing.

<b>Training Schedule</b>	<b>Attendees</b>
Monday, September 29 . . . . . Portland State Office Building Portland, OR	5
Wednesday, October 15 . . . . . Hillsboro Public Library Hillsboro, OR	3
Monday, October 20 . . . . . Ontario Public Library Ontario, OR	1
Tuesday, October 21 . . . . . Bend’s Community Center Bend, OR	25
Wednesday, October 22 . . . . . Medford Library Medford, OR	35
Thursday, October 23 . . . . . Lane Community College Eugene, OR	1
Thursday, October 23 . . . . . Salem Heights Community Hall Salem, OR	6
Tuesday, October 28 . . . . . Charles Jordan Community Center Portland, OR	6
Wednesday, October 29 . . . . . Clackamas Community College Oregon City, OR	3
Wednesday, November 12 . . . . . Hilyard Community Center Eugene, OR	1
Thursday, November 13 . . . . . Medford Library Medford, OR	4
Tuesday, November 18 . . . . . Chemeketa – Winema Event Center Salem, OR	2
Wednesday, November 19 . . . . . Multnomah County Library Gresham, OR	18
Tuesday, December 9 . . . . . Portland State Office Building Portland, OR	5

## Legal Aid Training

- Oregon Law Center received, with Multifamily Northwest and Oregon Housing Authorities will provide 6 regional trainings across the state to provide information for landlords, housing authorities, and tenant advocates.
- Oregon Law Center created the materials for these trainings.
- Legal Aid Services of Oregon and the Civil Rights Section of the Oregon State Bar organized a joint Continuing Legal Education training on fair housing issues.
- Legal Aid Services of Oregon and the Oregon Law Center presented on the changes to the law to an audience of housing attorneys.
- Representatives from Oregon Law Center and Lane County Legal Aid & Advocacy also conducted three trainings: one with the Rental Housing Association of Lane County; the Oregon Housing Authorities director's meeting; and the NAHRO Conference.
- Representatives from Lane County Legal Aid & Advocacy also did a radio interview with the Jefferson Exchange.

## Multifamily NW

Multifamily NW conducted several trainings (listed below) on the new law. In addition, they added content on the new law to their monthly “New Hire” trainings and conducted twenty of these sessions in Portland, Eugene, Salem, and Bend.

### Training Schedule

March 20, 2014 . . . . .	COC Monthly Luncheon: Section 8 Rules The RiverHouse Bend, Oregon
April 9, 2014 . . . . .	Oregon State Bar Portland, Oregon
April 17, 2014 . . . . .	Washington County Public Service Building Hillsboro, Oregon
April 24, 2014 . . . . .	Washington County Public Service Building Hillsboro, Oregon
April 24, 2014 . . . . .	SWV Monthly Luncheon Eugene, Oregon
May 20, 2014 . . . . .	MWV Luncheon Chemeketa Center Salem, Oregon
May 21, 2014 . . . . .	Portland Monthly Luncheon Portland, Oregon
May 30, 2014 . . . . .	Clackamas County Public Service Building Oregon City, Oregon
June 23, 2014 . . . . .	Oregon State Bar Section 8 Forum Portland, Oregon
July 17, 2014 . . . . .	Albany Section 8 Forum Corvallis, Oregon
May 30, 2014 . . . . .	Oregon State Bar Section 8 Forum Portland, Oregon

## Oregon Rental Housing Association: Training Efforts

Oregon Rental Housing Association has presented 12 regional trainings across the state to provide information for landlords, housing authorities, and tenant advocates. These regional trainings cover a range of landlord-tenant issues, including the new law related to Housing Choice Voucher holders.

Oregon Rental Housing Association has also recently created a four hour training specifically to cover the Housing Choice Voucher program. This training covers how the program works, the relationship between the landlord, the tenant, and the Public Housing Authority, as well as the new Housing Choice law, HB 2639. The training also covers the Landlord Guarantee Fund. These trainings will be held in Salem, Eugene, and numerous other locations around the state (to be announced).

Oregon Rental Housing Association has also recently partnered with the Housing and Community Services Agency of Lane County to increase participation by landlords in the Housing Choice Voucher program specifically for veterans, VASH.



## **Private Market Units: Year 1 Section 8 Reform Implementation**

Housing Choice Vouchers, commonly known as Section 8, are designed to enable low-income tenants to access rental units in the community of their choice.

As of July 1, 2014, Oregon state law no longer allows the denial of rental housing solely based on a tenant's use of a Section 8 voucher. The reform (HB 2639) aims to increase access to housing options and decrease poverty concentrations for low-income tenants using Section 8 vouchers.

In June 2014, MMT AHI released an open request for proposals for this strategy. Organizations were invited to respond with proposals for a one-year grant period with funding requests up to \$75,000 for pilot and demonstration projects with potential for future scaling or replication. All projects were aimed to directly or indirectly support low-income Oregon residents in reducing barriers to housing access. In line with MMT's AHI equity lens, there was a focus to target funding to increase housing access for Section 8 voucher holders who are people of color, residents of rural under-resourced communities, immigrants, and/or who experience high barriers in accessing housing.

MMT AHI staff worked with three organizations during the due diligence process to coordinate their proposed projects, resulting in a collaborative package of education grants to broaden their reach to key stakeholders. Home Forward/Oregon Housing Authorities, Oregon Law Center and Multifamily NW are collaborating on a statewide educational project. While this is one project, it is made up of three grants.

### **Private Market Unit grants total: \$350,431**

**Catholic Charities**, Multnomah, Washington and Clackamas Counties, Awarded: \$41,960

To create a Landlord Engagement Specialist position to centralize landlord outreach relationships that will support multiple programs within their agency, esp El Programa Hispano, homeless women, and struggling families.

**Community in Action**, Malheur County, Awarded: \$35,620

To develop a tenant stabilization pilot project to help Housing Choice Voucher tenants access rental homes and prevent eviction in rural communities.

**Home Forward**, Statewide proposal, Awarded: \$60,723

To help Oregon Housing Authorities create a toolkit and training series for public housing authorities statewide to implement changes needed for the implementation of House Bill 2639, aimed at ending Section 8 discrimination.

**Housing And Community Services Agency of Lane County (HACSA)**, Lane County Awarded: \$29,500

To develop a landlord pre-inspections demonstration project aimed at increasing housing choices for Latino households in rural communities.

**Housing Authority of Jackson County**, Jackson County, Awarded: \$30,800

To develop a deposit assistance loan pilot project for Housing Choice Vouchers, expanding housing choices to rural tenants.

**Marion County Housing Authority**, Marion County except cities of Salem and Kaiser, Awarded: \$19,450

To develop a private landlord peer-learning group and demonstration project aimed at increasing housing choices for Latino households in rural communities.

**Mercy Corps Northwest**, Multnomah County, Awarded \$44,158

To develop a Certificate of Rehabilitation demonstration project supporting low-income tenants reentering the housing market after incarceration.

**Mid-Columbia Housing Authority**, Hood River, Wasco and Sherman Counties, Awarded: \$35,500

To develop a two-pronged project that includes educational outreach about House Bill 2639 and a community health worker model to help high barrier tenants from the Latino community use Housing Choice Vouchers.

#### **EDUCATIONAL COLLABORATIVE**

**Home Forward**, Statewide proposal, Awarded: \$60,723

To help Oregon Housing Authority create a toolkit and training series for public housing authorities statewide to implement changes needed for the implementation of House Bill 2639, aimed at ending Section 8 discrimination.

**Oregon Law Center**, Statewide proposal, Awarded: \$27,000

To support creation of standardized educational materials about House Bill 2639 and to support statewide outreach to Housing Choice Voucher holders and tenant advocates.

**Multifamily Northwest**, Statewide proposal, Awarded: \$25,720

To create Housing Choice Voucher program educational tools for public housing authorities statewide and to conduct statewide landlord education about House Bill 2639, aimed at ending Section 8 discrimination.

## **AN OVERVIEW OF THE SECTION 8 VOUCHER PROGRAM**

### **THE SECTION 8 PROGRAM**

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The federal Section 8 program began in 1975 as a way to assist low-income families with renting decent, safe and affordable housing in the community where they want to live. Through this program, individuals and families receive a “voucher” – also referred to as a “subsidy” – that can be used in housing of their choice that meets the Section 8 program requirements. These subsidies are long-term and considered permanent as long as the voucher holder continues to qualify for the program.

The Section 8 program is one of the most successful federal housing programs. Currently, about 35,000 households in Oregon have a Section 8 voucher. In 1998, a federal housing law gave the program a new name – the Housing Choice Voucher Program. However, most people are still familiar with the program by its old name – Section 8.

### **PARTIES INVOLVED AND THEIR ROLES**

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- Tenants receive a voucher from a local housing authority or public housing agency (PHA) and find a rental unit on their own.
- The landlord is typically a private landlord with no other federal assistance, although some landlords might receive other federal assistance such as tax credits.
- Congress appropriates funds for the Section 8 voucher program.
- HUD allocates the voucher funds to local PHAs.
- PHAs administer the voucher program locally.
- The PHA determines if the unit meets the Housing Quality Standards (HQS) and whether the rent charged for the unit is reasonable.
- The PHA enters into a Housing Assistance Payment contract with the landlord, part of that contract consists of an Addendum that becomes a part of the Lease.

### **APPLICABLE LAWS AND RULES**

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- A statute provides the basic structure of the program. 42 USC §1437(o).
- Regulations provide further details on the program. 24 CFR Part 982.
- PHAs have some flexibility to develop local rules, policies and contracts.

### **TYPES OF VOUCHERS**

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- There are voucher programs that are targeted to families with special needs, such as Welfare to Work, Family Unification, Mainstream, Designated Housing, Enhanced Vouchers, and VASH vouchers for veterans.
- In addition, local PHAs may prioritize specific populations, such as domestic violence survivors, for assistance and set some vouchers aside for these populations.

## SECTION 8 VOUCHER ELIGIBILITY ISSUES

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- PHAs create a waiting list, conduct eligibility reviews and screen for criminal history and other factors. PHAs only screen for program eligibility, not for tenancy eligibility. Landlords do that screening.
- Vouchers are issued for various bedroom sizes depending on the size and needs of the family.
- Vouchers are given to very low-income households.

## RENT

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- Voucher holders typically pay 30% of their income as their share of the rent. The PHA pays the rest of the rent.
- HUD annually publishes “fair market rents” (FMR) for neighborhoods throughout the country.
- The “payment standard” is the maximum amount the PHA will pay on behalf of a voucher family. PHAs usually set a payment standard that is close to the FMR.
- Voucher holders who directly pay their own utilities are entitled to an allowance for the consumption of a reasonable level of utilities. The allowance is a standard amount and doesn’t reflect actual usage.
- All voucher families have their income recertified every year and sometimes more often if there is an increase or decrease in family income or a change in family composition.

## VOUCHER DURATION AND TERMINATION

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- Section 8 vouchers have no “automatic” termination period. Other vouchers may only last for a set period of time.
- Vouchers can only be terminated by the PHA for serious or repeated minor violations of the program or the lease. However, landlords can terminate a voucher holder’s tenancy for cause as provided by ORS Chapter 90 or at the end of a lease term with no cause.

## GETTING A VOUCHER HOUSEHOLD MOVED IN

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- Once a landlord and a voucher household agree to enter into a rental agreement, the unit is inspected by the PHA to ensure that it is safe, decent and of good quality.
- The rent of the unit is compared to rents of similar unassisted units in the community to ensure that it is reasonable.
- Once the PHA approves the unit, the lease between the household and the owner and the contract between the PHA and the owner are signed and the household moves in.
- The rental assistance begins. The tenant and the PHA each pay their share of the rent directly to the landlord.

Created by Oregon Law Center and Legal Aid Services of Oregon  
November 2014