

Enrolled
House Bill 2724

Sponsored by Representative KENY-GUYER, Senator DEMBROW, Representative HEARD; Representatives GORSEK, MCLAIN, NEARMAN, SANCHEZ, SOLLMAN (Presession filed.)

CHAPTER

AN ACT

Relating to the Rent Guarantee Program.

Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in this section and section 2 of this 2017 Act:

(1) "Landlord" means an owner of a dwelling unit that has entered into a rental or lease agreement with a tenant.

(2) "Low income household" means a household of one or more individuals whose combined incomes are at or below 60 percent of the area median income and includes, but is not limited to, a household of one or more individuals who are homeless or at risk of becoming homeless.

(3) "Tenant" means an individual or a family who has or will be entering into a rental or lease agreement with a landlord.

SECTION 2. (1) The Housing and Community Services Department shall develop and implement the Rent Guarantee Program for the purpose of providing incentives and financial assistance to landlords that rent or lease to low income households by guaranteeing payments to landlords for unpaid rent and for eviction and property damage costs as described in this section. Department administration of the program is subject to Oregon Housing Stability Council policy, rules and standards.

(2) A tenant is eligible to participate in the program if the tenant:

- (a) Resides in a low income household;
- (b) Experiences barriers to obtaining housing including but not limited to:
 - (A) Poor credit history or ratings;
 - (B) Criminal background history; or
 - (C) A history of housing evictions; and

(c) Successfully completes the tenant training and certification process implemented by the department under subsection (3) of this section.

(3) As part of the program implemented under this section, the department shall provide training to, and a certification process for, tenants from low income households for the purpose of providing tenants with information on how to achieve and maintain a successful tenancy and providing reliable accreditation of tenants to landlords that are considering renting or leasing to tenants from low income households.

(4) A landlord may submit a request for financial assistance to the department in accordance with rules adopted by the council. Financial assistance to landlords under the program is limited as follows:

(a) Reimbursement for unpaid rent and payment of eviction and damage costs are limited to circumstances involving rental or lease agreements entered into with tenants determined to be eligible under subsection (2) of this section;

(b) Financial assistance is limited to reimbursement for unpaid rent and eviction and damage costs incurred during the first 12 months of any single rental or lease agreement;

(c) Reimbursement for unpaid rent is limited to a maximum of \$2,000 per eligible tenant;

(d) Financial assistance paid under the program to a landlord is limited to a maximum of \$5,000 per landlord; and

(e) Payment of financial assistance is contingent on the landlord's submission of a complete and accurate reimbursement request, verification of unpaid rent and eviction or damage claims by the department or program provider described in subsection (6) of this section and cooperation with the collection of data to measure program performance outcomes as described in subsection (6) of this section.

(5) Before receipt of payments of financial assistance under the program, a landlord must provide to the department or the program provider described in subsection (6) of this section a report containing information required by rule adopted by the council. The report must contain, at a minimum, the following:

(a) Information regarding eligible tenants with which the landlord entered into tenancy agreements including, but not limited to, the length of tenancy and reason for termination of tenancy, if applicable; and

(b) The amounts of unpaid rent and eviction and damage costs not reimbursed by financial assistance received by the landlord under the program.

(6)(a) The department may contract with a public or private provider to administer the program within an individual county or region of this state and to distribute financial assistance to eligible landlords as provided in this subsection. The department is not subject to the provisions of ORS chapter 279A or 279B in awarding a contract under the provisions of this subsection. The department shall, in consultation with the council, establish criteria for proposals, prepare and publish requests for proposals, receive proposals and award contracts to eligible providers. Eligible providers must, at a minimum:

(A) Have experience providing tenant readiness education sufficient to provide tenant training and certification as described in subsection (3) of this section;

(B) Have experience placing persons in low income households into permanent housing;

(C) Have experience working collaboratively with local landlords and service providers; and

(D) Demonstrate the organizational capacity to administer the program, including the ability to track data and performance measure outcomes and to timely process requests for and payments of financial assistance.

(b) Program providers shall, in accordance with rules adopted by the council:

(A) Enter information into the homeless management information system maintained by the department;

(B) Provide reports regarding the number of landlords and tenants participating in the program, demographic information about tenants, identified tenant risk factors and the number and amount of requests for financial assistance made under the program;

(C) Review and verify requests for financial assistance and make payments in accordance with established department processes for distributing funds; and

(D) Collect data to measure the following program performance outcomes:

(i) Increased housing stability, as measured by the percentage of total program participants who reside in and maintain permanent housing for a minimum of 12 months;

(ii) Increased landlord participation, as measured by the percentage increase in the number of landlords participating in the program; and

(iii) Successful tenant readiness education, as measured by the percentage of tenants successfully completing the tenant training and receiving certification as described in subsection (3) of this section.

(7) Nothing in this section prohibits a landlord from participating in the Housing Choice Landlord Guarantee Program under ORS 456.375 to 456.390 or the Housing Choice Voucher Program under 42 U.S.C. 1437f(o).

(8) The department may not pay financial assistance under the Rent Guarantee Program from any source other than available funds in the Rent Guarantee Program Fund established in section 3 of this 2017 Act. Amounts due and payable under the program shall not constitute a debt of the state or a lending of the credit of the state within the meaning of any constitutional or statutory limitation.

(9) The department shall submit an annual report to the interim legislative committees of the Legislative Assembly related to housing no later than September 15th of each year regarding the implementation and status of the program, the number of participants in the program, amounts of financial assistance requested and paid and the performance outcomes measured by the program.

(10) The council, in consultation with the department, shall adopt rules to implement the provisions of this section.

SECTION 3. (1) The Rent Guarantee Program Fund is established within the State Treasury, separate and distinct from the General Fund. Interest earned by the Rent Guarantee Program Fund shall be credited to the fund.

(2) Moneys in the Rent Guarantee Program Fund shall consist of:

(a) Amounts donated to the fund;

(b) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;

(c) Amounts received from state or federal sources to be deposited into the fund;

(d) Income derived from moneys in the fund; and

(e) Other amounts deposited in the fund from any source.

(3) Moneys in the fund are continuously appropriated to the Housing and Community Services Department to carry out the provisions of section 2 of this 2017 Act.

(4) The department may use moneys in the fund to pay the administrative costs associated with the fund and with implementing and maintaining the Rent Guarantee Program under section 2 of this 2017 Act.

SECTION 4. Notwithstanding any other provision of law, the General Fund appropriation made to the Housing and Community Services Department by section 1, chapter _____, Oregon Laws 2017 (Enrolled House Bill 5012), for the biennium beginning July 1, 2017, is increased by \$223,247 for the Rent Guarantee Program.

Passed by House July 5, 2017

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate July 7, 2017

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

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Dennis Richardson, Secretary of State