

A-Engrossed
House Bill 2944

Ordered by the House March 17
Including House Amendments dated March 17

Sponsored by Representative KOTEK; Representative STARK

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Limits landlord assistance under Housing Choice Landlord Guarantee Program to damages awarded in a judgment following a hearing in which landlord proves amount of damages.

Repeals law requiring tenant to repay amount of assistance paid to landlord under program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Housing Choice Landlord Guarantee Program; creating new provisions; amending
3 ORS 456.378 and 456.385; repealing ORS 456.380; and declaring an emergency.

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

5 **SECTION 1. ORS 456.380 is repealed.**

6 **SECTION 2.** ORS 456.378 is amended to read:

7 456.378. (1) The Housing and Community Services Department shall develop and implement the
8 Housing Choice Landlord Guarantee Program for the purpose of providing financial assistance to
9 landlords to mitigate damages caused by tenants as a result of occupancy under the Housing Choice
10 Voucher Program.

11 (2) Landlords that are eligible for assistance under the Housing Choice Landlord Guarantee
12 Program must obtain a judgment against the tenant, **following a hearing in which the landlord**
13 **proves the amount of damages**, in either the small claims department of a circuit court or a cir-
14 cuit court for the county in which the property is located. Assistance is limited to reimbursement
15 for only those amounts in the judgment that are related to property damage, unpaid rent or other
16 damages:

17 (a) Caused as a result of the tenant's occupancy under the Housing Choice Voucher Program;

18 (b) That exceed normal wear and tear; and

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

20 (3) A landlord must submit a claim for assistance to the department within one year of obtaining
21 a judgment against a tenant pursuant to subsection (2) of this section.

22 (4) The department may contract with a public or private provider for the administration of the
23 Housing Choice Landlord Guarantee Program. The department is not subject to the provisions of
24 ORS chapter 279A or 279B in awarding a contract under the provisions of this subsection. The de-
25 partment shall establish by rule procedures for inviting proposals and awarding contracts under this
26 subsection.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (5) The department shall adopt rules to implement the provisions of this section, including but
2 not limited to prescribing additional qualifications and requirements that must be met by landlords
3 and the form of application that must be submitted to the department to receive assistance under
4 the program.

5 **SECTION 3.** ORS 456.385 is amended to read:

6 456.385. (1) There is created within the State Treasury, separate and distinct from the General
7 Fund, the Housing Choice Landlord Guarantee Program Fund. Interest earned by the Housing
8 Choice Landlord Guarantee Program Fund shall be credited to the fund.

9 (2) Moneys in the Housing Choice Landlord Guarantee Program Fund shall consist of:

10 (a) Amounts donated to the fund;

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

12 [(c) Amounts repaid by tenants under ORS 456.380;]

13 [(d)] (c) Investment earnings received on moneys in the fund; and

14 [(e)] (d) Other amounts deposited in the fund from any source.

15 (3) Moneys in the fund are continuously appropriated to the Housing and Community Services
16 Department to carry out the provisions of ORS 456.375 to 456.390.

17 (4) The department may use moneys in the fund to pay the administrative costs associated with
18 the fund and with processing applications, making payments to landlords and administering repay-
19 ment agreements under ORS 456.375 to 456.390.

20 **SECTION 4. The amendments to ORS 456.378 by section 2 of this 2017 Act become oper-**
21 **ative on September 1, 2017.**

22 **SECTION 5. (1) The amendments to ORS 456.385 by section 3 of this 2017 Act and the**
23 **repeal of ORS 456.380 by section 1 of this 2017 Act apply to claims for financial assistance**
24 **under the Housing Choice Landlord Guarantee Program made before, on or after the effec-**
25 **tive date of this 2017 Act.**

26 **(2) The amendments to ORS 456.378 by section 2 of this 2017 Act apply to claims for fi-**
27 **nancial assistance made on or after the operative date specified in section 4 of this 2017 Act.**

28 **SECTION 6. This 2017 Act being necessary for the immediate preservation of the public**
29 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
30 **on its passage.**

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