



## Report to the 80<sup>th</sup> Legislative Assembly: Housing Choice Advisory Committee Report

January 31, 2020

In 2013, the Oregon Legislature passed HB 2639, which expanded protections under Oregon housing discrimination law to people with federal U.S. Department of Housing and Urban Development (HUD) Housing Choice Vouchers (also known as Section 8). The bill included federal, state, and local rental assistance as a protected source of income, thus preventing tenants from being denied residency solely based on their use of a voucher or other forms of rent assistance.

HB 2639 created the Housing Choice Advisory Committee (HCAC)<sup>1</sup>, whose purpose is to:

- Advise the department with respect to matters of interest and concern regarding the Housing Choice Voucher (HCV) Program<sup>2</sup>;
- 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

HB 2639 also created the Housing Choice Landlord Guarantee Program (HCLGP)<sup>3</sup>, which provides 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 (HCV) Program.

### *Progress*

In 2019, the HCAC has begun to address how to better understand the challenges faced by the HCV Program. Oregon is in the top five nationally for the rates of chronic homelessness, unsheltered homelessness of families with children, and unsheltered rural homelessness. The shortage of affordable rental housing has had negative impacts across the housing spectrum from increased homelessness to a decrease in homeownership.

The impact for Housing Choice Voucher tenants is the increasing struggle to obtain and retain housing. For low-income tenants who do not have a Housing Choice Voucher, the challenge is even greater with many public housing authority waiting lists closed and wait times ranging from

<sup>1</sup> Appendix A – Housing Choice Advisory Committee Roster

<sup>2</sup> Appendix B – Housing Choice Voucher Program Overview

<sup>3</sup> Appendix C – HCLGP Factsheet



several months to several years<sup>4</sup>. There are currently over 30,000 people on wait lists for the Housing Voucher Program throughout the state and over 17,000 still waiting to be placed on a wait list. Once a household receives a voucher off of the wait list, it takes an average of over 54 days to find suitable housing that meets fair market value limitations. Approximately 44% of households have to return their vouchers as they are unsuccessful in their search for permanent housing that meets the program criteria.

The HCAC is working to identify areas where participation in the HCV Program is a success and is addressing ways to share best practices. A statewide survey of landlords is being planned to garner feedback regarding the HCV Program to address what is working well and to identify barriers to using the program. HCAC members will also be meeting with Public Housing Authorities to begin developing strategies on how best to meet their needs and address any impediments within the program's structure.

Statewide outreach, education and training efforts continue to be provided by Oregon Housing and Committee Services and Housing Choice Advisory Committee membership, while the Fair Housing Council of Oregon continues to educate landlords and tenants on the inclusion of source of income as a protected status in Oregon's non-discrimination law and the rights of tenants.

Due to the work of the HCAC, communication and problem-solving has increase. Examples include landlords participating on housing authority boards and housing authority staff participating in landlord association organizations. Lane County Housing Authority, operating under the name Homes for Good, administers a Landlord Engagement Program. Operated mainly through the Landlord Liaison position, the program has received supportive feedback from landlords participating in the HCV program specific to the financial backing offered by the Housing Choice Landlord Guarantee Program. Landlords report feeling more confident in renting to HCV participants, in response to the financial supports available to mitigate damages caused by a voucher holder above and beyond the security deposit.

## ***Challenges***

Landlords have voiced needing streamlined access to the mitigation fund, with a specific recommendation to remove the judgment requirement for reimbursement, which is seen as a barrier to fund access by participating landlords. In addition, a judgment creates additional hardship on tenants by creating poor credit history, even when the judgment is paid by the HCLGP. The judgment was originally implemented as a means of validating the damages to a landlord's rental property; however, data trends from the HCLGP show that consistently 83% of judgments are by default, which does not provide an opportunity for the courts to hear from the tenants regarding the landlords claim<sup>5</sup>. The HCAC continues to identify the most effective way to address this needed change.

---

<sup>4</sup> Appendix D – Public Housing Authority Annual Report

<sup>5</sup> Appendix E – Housing Choice Landlord Guarantee Program Dashboard

### *Next Steps*

Next steps and recommendations have been identified. They include:

- Implement process changes and possible legislative action that would better validate the Housing Choice Landlord Guarantee Program payment requests.
- Continue outreach and education efforts to ensure that landlords and tenants are aware of HB 2639 (2013) requirements and the landlord guarantee fund.
- Continue to support enforcement and education to landlords who may not understand the amendments to the discrimination law through the Fair Housing Council of Oregon and other education partners.
- Continue discussions regarding the challenges faced by the HCV Program and best practices that could positively impact the use of Housing Choice Vouchers.

**APPENDIX**

**Appendix A – Housing Choice Advisory Committee Roster**

**Appendix B – Housing Choice Voucher Program Overview**

**Appendix C – Housing Choice Landlord Guarantee Program Factsheet**

**Appendix D – 2019 Public Housing Authorities in Oregon Annual Report**

**Appendix E – Housing Choice Landlord Guarantee Program Dashboard**





# Housing Choice Advisory Committee

## **Members –**

**Becky Straus**, Attorney, Oregon Law Center

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

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

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

**Phil Owen**, Legislative Committee Chair, Rental Housing Alliance of Oregon

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

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

**Pegge McGuire**, Director of Housing and Energy Services, Community Services Consortium

**Travis Baker**, Landlord Liaison, Homes for Good

*(As of August 9, 2019)*

For more information, please contact:

Nicole Stoenner, Government Relations & Communications Liaison

[nicole.r.stoenner@oregon.gov](mailto:nicole.r.stoenner@oregon.gov)

Phone: (971) 707-0091



## **Housing Choice Voucher Overview**

### **What are housing choice vouchers?**

The housing choice voucher program is the federal government’s major program for assisting very low-income families, elderly, and disabled households to afford decent, safe and sanitary housing in the private market. Since housing assistance is provided on behalf of the household, participants are able to find their own housing, including single-family homes, townhouses and apartments. Housing Choice Voucher holders are free to choose any housing that meets program requirements and does not limit the choice of housing to subsidized housing projects.

A household with a housing voucher is responsible for finding suitable housing where the owner agrees to rent under the housing choice program. A housing subsidy is paid to the landlord directly by the public housing authority on behalf of the participating household. The household then pays the difference between actual rent charged by the landlord and the amount subsidized by the program.

Housing choice vouchers are administered locally by public housing authorities through funding from the U.S. Department of Housing and Urban Development (HUD). Oregon has 22 public housing authorities serving the state’s 36 counties. As of November, 2019, Oregon had 33,554 housing choice vouchers and 1,761 Veteran Affairs Supportive Housing (HUD-VASH) vouchers, specifically designated for veterans.

### **Who is eligible to receive a housing choice voucher?**

Eligibility for a housing voucher is determined by the public housing authority based on the total annual gross income and family size and is limited to US citizens and specified categories of non-citizens who have eligible immigration status. In general, a household’s income may not exceed 50% of the median income for the county or metropolitan area in which they choose to live. Voucher holders typically pay 30% of their income as their share of the rent with the remaining amount paid to the landlord by the public housing authority.



OREGON HOUSING AND COMMUNITY SERVICES

# Housing Choice Landlord Guarantee Program

## Program Fact Sheet

### Program Summary

The Housing Choice Landlord Guarantee Program provides financial assistance to landlords to mitigate damages caused by Housing Choice Voucher (also known as Section 8) tenants as a result of their occupancy.

**CONTACT:**

Individuals with questions about the program should contact:

Email: [landlord.guarantee@oregon.gov](mailto:landlord.guarantee@oregon.gov)

Ph: 1-800-453-5511 (choose option 8).

### Services Provided

A landlord may apply for financial assistance to reimburse them for qualifying damages. 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 must have been incurred from occupancy that began after July 1, 2014;
- 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;
- Damage to property exceeds normal wear and tear and was depreciated for the term of tenant’s occupancy; and
- Expenses for repairs are in excess of \$500, but not more than \$5,000 per claim.

The program can pay for:

- Attorney fees, court costs, and interest (but does not include eviction costs or associated fees);
- Loss of rental income during the time required for repairs to with respect to qualifying property damage;
- Unpaid rent and utilities for which the tenant was responsible;
- Late fees or lease-break fees;
- Property damage that exceeds normal wear and tear and has been depreciated for the term of the tenant’s occupancy;
- Other costs related to lease violations by a tenant such as repair labor, materials, disposal fees, etc.

### Eligibility Requirements

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 from occupancy that began after July 1, 2014.



## OREGON HOUSING AND COMMUNITY SERVICES

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.

- The judgment must be from a circuit court, a small claims department of a circuit court, or a justice court (note: a small claim judgment is not the same as a Forcible Entry Detainer (FED) or eviction judgment);
- 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.

A landlord must submit a claim for program assistance to the Department within one year of obtaining a judgment against a qualified tenant.

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 (30) days of the landlord's receipt of the program assistance.

### **To Apply for Assistance**

The application is available online at

<https://app.smartsheet.com/b/form/361882fd2bad4484bd07a13c5729d4b5>

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.

### **Program Funding**

The Housing Choice Landlord Guarantee Program is funded through legislatively approved state general funds.

**2019 PUBLIC HOUSING AUTHORITIES IN OREGON ANNUAL REPORT**

PHA	Counties Served	# HC Vouchers	# VASH Vouchers	Success Rate of issued vouchers*	# of Applicants unable to be added to Wait List	Avg Length of Time to use Voucher (days)	Length on Waiting List (years)	# on Waiting List
NE Oregon HA	Baker, Grant, Union, Wallowa	810	30	40.0%	-	60	1.00	402
Linn-Benton HA	Benton, Linn	2,427	58	45.0%	-	72	1.75	2,306
Clackamas County HA	Clackamas	1,474	57	94.0%	2,348	45	5.00	500
NW Oregon HA	Clatsop, Columbia, Tillamook	942	52	71.0%	-	75	2.00	907
Coos-Curry HA	Coos, Curry	619	50	19.0%	-	60	1.00	335
Housing Works	Crook, Deschutes, Jefferson	1,214	75	30.0%	-	75	1.00	2,269
Douglas County HA	Douglas	651	90	97.0%	-	45	1.32	1,528
HA of the County Umatilla	Gilliam, Morrow, Umatilla, Wheeler	275	8	48.0%	-	60	0.40	331
HA of Malheur County	Harney, Malheur	311	0	48.0%	-	60	0.16	125
Mid-Columbia HA	Hood River, Sherman, Wasco	539	0	38.0%	-	42	0.64	265
HA of Jackson County	Jackson	1,904	214	56.0%	-	45	3.00	3,564
Josephine Housing & Community Dev. Council	Josephine	837	8	42.0%	-	56	0.64	795
Klamath HA	Klamath, Lake	797	57	55.0%	-	40	2.50	996
Homes for Good	Lane	2,785	188	72.0%	1,496	60	1.00	-
HA of Lincoln County	Lincoln	476	5	40.0%	-	60	0.80	880
Marion County HA	Marion	834	12	40.0%	-	45	2.00	2,372
HomeForward	Multnomah	9,268	599	90.0%	13,464	55	3.00	3,065
West Valley HA	Polk	569	0	44.0%	-	41	1.08	1,259
HA of the City of Salem	City Salem	2,753	61	53.0%	-	31	2.50	5,401
HA of Washington County	Washington	2,680	167	74.0%	-	60	1.50	847
HA of Yamhill County	Yamhill	1,389	30	79.0%	-	51	4.00	2,589
<b>TOTALS</b>		<b>33,554</b>	<b>1,761</b>	<b>56.0%</b>	<b>17,308</b>	<b>54.19</b>	<b>1.73</b>	<b>30,736</b>

\*Success rate is defined as percent of issued vouchers that successfully result in a housing assistance payment (HAP) contract. For example, a PHA issues 100 vouchers. Of these 100 vouchers, 72 result in a HAP contract, and the remaining 28 are returned, unused, to the PHA. This would result in a success rate of 72 percent (72/100)



Housing Choice Advisory Committee 2018 Legislative Report  
**Appendix E – Housing Choice Landlord Guarantee Program Dashboard**

1/7/2020

HC Dashboard - Smartsheet.com

**HOUSING CHOICE LANDLORD GUARANTEE DASHBOARD**

**APPLICATION STATUS**

Approved: **266**  
 Denied: **74**  
 In Progress: **1**  
 Number of Applications Received: **341**

**PAYMENTS MADE**



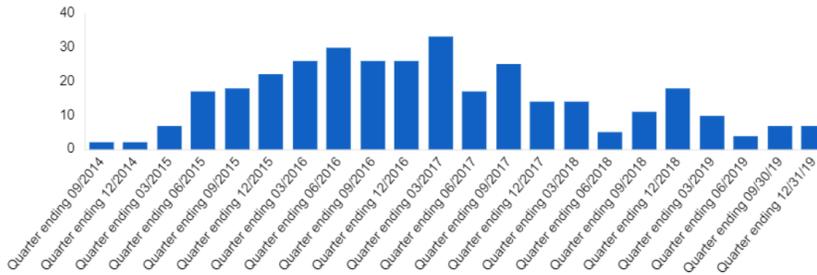
**DEFAULT JUDGMENTS**

Total Number of Default Judgments: 10  
 % of Default Judgments: **83%**

**AVERAGE YEARS OF TENANT OCCUPANCY**

Average Years: **2.90**

**APPLICATIONS RECEIVED BY QUARTER**



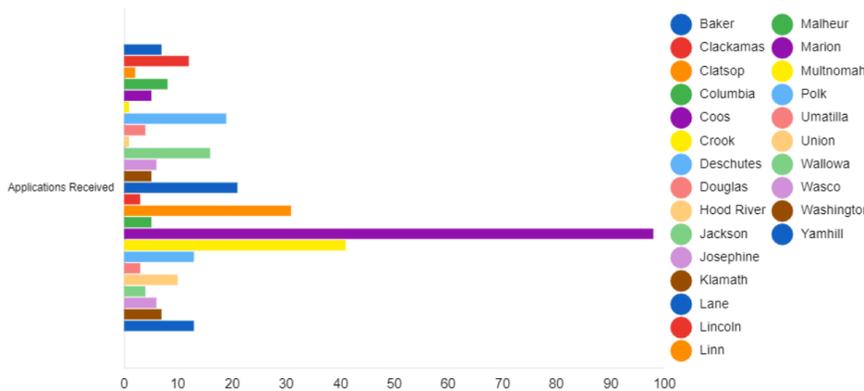
**COUNTIES PARTICIPATING**

Missing source sheet

**CLICK TO SUBMIT AN APPLICATION**

- [Submit an Application Form for PHA](#)
- [Download a W-9 Tax Form](#)
- [Download a Move-In/Move-Out Condition I](#)
- [Read Frequently Asked Questions](#)
- [Download an optional Damage Detail form](#)
- [See example 1 of documentation proving ev](#)
- [See example 2 of documentation proving ev](#)

**APPLICATIONS RECEIVED BY COUNTY**



**CLICK TO SUBMIT PHA ANNUAL REPORT**

- [Submit a Public Housing Authority Annual Report](#)
- [Submit a Public Housing Authority Story](#)

**CLICK FOR HOMEPAGE**

