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## PERMANENT ADMINISTRATIVE ORDER

### OHCS 1-2022

CHAPTER 813

OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

**FILED**

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ARCHIVES DIVISION  
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& LEGISLATIVE COUNSEL

FILING CAPTION: Enact HB 2101 from the 81st Oregon Legislative Session into Rule.

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#### RULES:

813-360-0010, 813-360-0030, 813-365-0015, 813-365-0030

AMEND: 813-360-0010

RULE TITLE: Definitions

NOTICE FILED DATE: 10/22/2021

RULE SUMMARY: Amends Housing Choice Landlord Guarantee Program (HCLGP) definitions to include a complete application in form and format prescribed by OHCS in response to the revised program application requirements of House Bill 2101 (2021).

#### RULE TEXT:

Terms used throughout this division (OAR 813-360) may be defined in Oregon Revised Statute (ORS) or in the OHCS General Definitions (OAR 813-005-0005). Terms used within this division observe those definitions, except as defined. For the purposes of this division:

- (1) "Application" means a completed application in the form and format prescribed by OHCS submitted by a landlord for HCLGP assistance.
- (2) "Housing Choice Landlord Guarantee Program" or "HCLGP" means the program administered by OHCS pursuant to this division and ORS 456.375 to 456.390.
- (3) "Housing Choice Voucher Program" is as defined in ORS 456.375(1).
- (4) "Landlord" is as defined in ORS 456.375(2).
- (5) "Program assistance" or "HCLGP assistance" means eligible reimbursement funding to a landlord by OHCS from the Housing Choice Landlord Guarantee Program Fund in response to a complete application submitted to OHCS.
- (6) "Tenant" is as defined in ORS 456.375(4).

STATUTORY/OTHER AUTHORITY: ORS 456.555, ORS 456.378(5)

STATUTES/OTHER IMPLEMENTED: ORS 456.375 to 456.390, Chapter 57, 2021 Oregon Laws

AMEND: 813-360-0030

RULE TITLE: Landlord Eligibility

NOTICE FILED DATE: 10/22/2021

RULE SUMMARY: Rule eliminates program eligibility requirement of a small claims judgment against a tenant and amends the timeline in which to apply for the Housing Choice Landlord Guarantee Program to comply with House Bill 2101 (2021).

RULE TEXT:

- (1) In order to be eligible for HCLGP assistance, a landlord must submit a complete application, in form and format prescribed by OHCS.
- (2) HCLGP assistance may be provided for reimbursement of qualifying damages, including, but not limited to the following:
  - (a) Property damage;
  - (b) Unpaid rent;
  - (c) Loss of rental income during the time required for repairs with respect to qualifying property damage;
  - (d) Lease-break fees; and
  - (e) Other costs related to lease violations by a tenant.
- (3) In addition, for a claim of damages to qualify:
  - (a) The damage amounts must be incurred from an eligible tenant occupancy that began after July 1, 2014;
  - (b) The damage amounts must be caused by 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) Property damage amounts must exceed normal wear and tear; and
  - (d) The total damage amounts must be in excess of \$500, but not more than \$5,000 per tenancy.
- (4) A landlord may not seek, accept or retain HCLGP assistance from OHCS for amounts paid to the landlord for qualifying damages by the tenant or by a third party.
- (5) If, after submitting an application for HCLGP assistance to OHCS, a landlord receives payment from a tenant or a third party for any damages identified in the application for assistance, the landlord must notify OHCS within 10 days of such payment.
- (6) A landlord must provide restitution to OHCS for overpaid HCLGP assistance within 45 days.
- (7) OHCS shall maintain a record of HCLGP assistance provided to a landlord to assist it in determining if there has been an overpayment of HCLGP assistance to that landlord.
- (8) To receive HCLGP assistance, the landlord must submit a complete application, satisfactory to OHCS, along with supporting documentation as required in the application. The HCLGP application shall be available on the OHCS website.
- (9) A landlord must submit to OHCS an application for HCLGP assistance within one year following the later of the date that:
  - (a) The tenancy for which the application is made terminates; or
  - (b) The landlord obtains possession of the dwelling unit for which the application is made; or
  - (c) Payments from the Housing Choice Voucher Program to the landlord terminate.
- (10) OHCS will review applications and make awards of HCLGP assistance for qualifying applications within 45 days of its receipt of all required information. OHCS may choose to require the submittal of additional or clarifying information.
- (11) If a landlord obtained a small claims judgement from their local circuit court for any expenses claimed from the HCLGP, the landlord must file a satisfaction of judgment in the amount of any HCLGP assistance received from OHCS in the court from which the judgment against the tenant was obtained. A copy of this filed satisfaction must be delivered to OHCS within 30 days of the claimant's receipt of HCLGP assistance.

STATUTORY/OTHER AUTHORITY: ORS 456.555, ORS 456.378(5)

STATUTES/OTHER IMPLEMENTED: ORS 456.375 to 456.390, Chapter 57, 2021 Oregon Laws

AMEND: 813-365-0015

RULE TITLE: Manual

NOTICE FILED DATE: 10/22/2021

RULE SUMMARY: The RGP Manual was updated to incorporate the House Bill 2101 (2021) changes that eliminated per-landlord limit and unpaid rent limits per tenant for reimbursements under the Rent Guarantee Program and incorporate current procedures; this rule incorporates the updated RGP Manual into the rules.

RULE TEXT:

The Rent Guarantee Program Operations Manual (RGP Manual) with the requirements and standards therein, dated January 1, 2022, is incorporated into and adopted as part of this division of administrative rules, by reference. The RGP Manual may be accessed online at the OHCS website.

STATUTORY/OTHER AUTHORITY: ORS 456.555, ORS 456.608(10)

STATUTES/OTHER IMPLEMENTED: ORS 458.505, ORS 456.607 to 456.609, Chapter 57, Oregon Laws

AMEND: 813-365-0030

RULE TITLE: Eligibility

NOTICE FILED DATE: 10/22/2021

RULE SUMMARY: House Bill 2101 (2021) eliminated per-landlord limits and unpaid rent limits per tenant for reimbursements under the Rent Guarantee Program and rule updates those provisions.

RULE TEXT:

- (1) In order to be eligible for RGP funds, a program provider must have an executed Program Provider-Landlord Agreement.
- (2) Applications for qualifying damages are submitted after an eligible tenant's vacancy of an RGP-covered unit, either by voluntary move-out or by eviction. Landlords have 30 days in which to submit a request for funds to the program provider, from the date that the landlord takes possession of the unit.
- (3) Qualifying damages that occurred within the first 12 months of an eligible tenant's occupancy may not exceed \$5,000 per eligible request and include, but are not limited to:
  - (a) Unpaid rent;
  - (b) Property damages beyond normal wear and tear and caused by the tenant or the tenant's occupancy; and
  - (c) Eviction costs include court filing fees, attorney fees, and serving of notice.
- (4) An eligible tenant is one that meets the requirements of ORS 456.608(2).
- (5) Program providers must submit to OHCS an RGP application, in form, format and substance satisfactory to OHCS, within 10 days from the date that the landlord submits a request for funds to the program provider.
- (6) Program providers must certify that the application details and supporting documentation (i.e.; final security deposit accounting, move-in and move-out inspection checklists, applicable receipt or proof of damages, documentation of non-payment of rent) have been received from the landlord and have been reviewed and verified by the program provider. Program providers must keep all application information within the tenant file.
- (7) The RGP application shall be available on the OHCS website.
- (8) A submitted application is subject to approval, including as modified by OHCS, or disapproval by OHCS.

STATUTORY/OTHER AUTHORITY: ORS 456.555, ORS 456.608(10)

STATUTES/OTHER IMPLEMENTED: Chapter 57, 2021 Oregon Laws, ORS 456.607 to 456.609