



## Landlord Compensation Fund

*Frequently Asked Questions (FAQ) – updated 4/23/2021*

Oregon Housing & Community Services (OHCS)

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### General Questions

1. *Q – Who are Qualified Tenants?*

A – Oregon tenants with past rent debt owed from between April 1, 2020 and the last month covered by the funding round, who meet the criteria for financial hardship. Tenants must provide their landlord with a [Declaration of Financial Hardship for Eviction Protection to be a qualified tenant](#). When tenants provide this form to their landlord, they are protected from eviction through June 30<sup>th</sup>, 2021, and the landlord may use the form to request payment for rental debt owed from April 1, 2020 - last month covered by the application round through the Landlord Compensation Fund.

2. *Q – How do I apply?*

A – Applications are to be made electronically through the OHCS [LCF Application Portal](#). Requests for accommodations may be made by contacting the program (email: [HCS.LCF@oregon.gov](mailto:HCS.LCF@oregon.gov)). Requests due to disability will be handled through the Reasonable Accommodation process as prescribed by Fair Housing law.

3. *Q – What Information will I need to provide?*

A – Applicants will be required to input, or upload rent amounts both collected and owed for **all** tenants from April 1, 2020 through the last month covered by the application round. Tenant name and contact information is only required for current tenants with past-due rents. This information will be used to determine payment amounts and to track declaration notices.

Applicants will also need to upload to the system tenant signed [Declaration of Financial Hardship for Eviction Protection](#) forms for current tenants that owe on past rent. Tenants may also sign and submit these forms through the portal itself. Landlords do not need [Declaration of Financial Hardship for Eviction Protection](#) forms for all tenants that owe rental debt but grant funds will only be awarded for these tenants. Applicants will also be required to agree to various terms and conditions within the application portal designed, amongst other things, to reduce fraud and abuse.

4. *Q – Will Oregon Housing & Community Services be doing any follow up on my application?*

A – In addition to the various terms and conditions that Landlords agree to in the application portal, OHCS will allow tenants to review the information provided by the Landlord to help determine accuracy. OHCS will retain the right to ask for copies of rental agreements or other supporting documents, to view property or to request any other additional information that is determined necessary to prevent or determine fraud, waste, and abuse. OHCS recommends that Landlords maintain assistance records for future auditing purposes.

5. *Q – What debts are covered under the LCF Program?*

A – Rent debt from April 1, 2020 through the last month covered by the application round, owed by current tenants. LCF does not cover damages, fees, utilities, security deposit, etc.

6. *Q – What do I do if I can't get the required documents?*

A – Landlords are required to provide the [Declaration of Financial Hardship for Eviction Protection](#) to tenants. The form is also required under HB 4401 to receive grant assistance from the Landlord Compensation Fund Program. Landlords are encouraged to educate their tenants on the importance of this form and/or to give (or provide) information to tenants that may connect them with tenant support agencies that may help them better understand their rights under HB 4401 ([OJD Notice of Eviction Protection](#)). OHCS does not have the authority to make a payment without the Declaration of Financial Hardship form for each eligible tenant.

Residents are not required to provide the Declaration form, but may be subject to eviction for non-payment if they have not provided the form and:

- 1) They are late with current rent starting January 1, 2021; or
- 2) They have not paid their back-due rent from April 1, 2020 through December 31, 2020, by March 31, 2021.

OHCS encourages Landlords to contact their attorney for legal guidance.

### Eligibility

7. *Q – Who may apply for the Landlord Compensation Fund?*

A – Landlords of Oregon Residential Property who have current residential tenants who owe for past rent for any or all months since April 2020 and have signed a [Declaration of Financial Hardship for Eviction Protection](#) form as outlined in HB 4401 . Eligible rental units must be located in the State of Oregon.

8. *Q – Are commercial properties eligible?*

A – No.

9. *Q – As an owner may I delegate application responsibility to a Property Manager or assignee.*

A - Yes. A property manager acting as an agent of the owner according to ORS 90.100(23) may apply, accepting program terms and conditions, on behalf of the owner. All projects with the same ownership must be submitted together. A separate application must be submitted for each owner. If an owner is initiating the application and signing the program documents, they can still add their property manager into the system to provide data for their application.

10. *Q – Are unusual or non-standard rental units such as room rentals or home sharing in-home studio apartments, sub-leases, etc. eligible?*

A –Yes, the primary restrictions for the LCF program are: the tenant must be under a legal rental agreement (oral or written), they must not be a member of the Property Owner’s immediate family (as defined in ORS 90.427), and the unit must be located in Oregon.

11. *Q – Are extended stays in hotels eligible?*

A – All units covered by ORS Chapter 90 are eligible, including tenancies in hotels that don’t meet the “transient occupancy” exception. For a definition of “transient occupancy” see ORS 90.100 (49).

12. *Q – May I apply for debt owed by both current and former tenants?*

A – Because a [Declaration of Financial Hardship for Eviction Protection](#) form is required and consistent with HB 4401, eligibility only extends to past rent owed for current tenants.

13. *Q – Can Tenants apply for the funds or advocate to their landlord to apply for the program?*

A – Though HB 4401 does benefit tenants, legislative and programmatic design for this program allows only for Landlords to apply. We encourage tenants to advocate and inform their landlords of the program ([summary program information here](#)). A great time to do this would be when returning the [Declaration of Financial Hardship for Eviction Protection](#) form.

OHCS also encourages tenants to contact 211 or visit [211.info.org](http://211.info.org) to discuss available rental subsidy programs for tenants in your local community. Tenants may want to apply for assistance individually through these programs if their landlord chooses not to apply for assistance through the LCF.

14. Q – *May tenants or landlords who are not citizens receive assistance?*

A – Yes. This program is available regardless of immigration status. There are no questions or requirements on this topic as part of the application.

15. Q - *Are houseboats, manufactured home lot rents, manufactured homes and other types of housing eligible?*

A – Yes, the only requirement is that the home is located in Oregon, and that there is a rental agreement (which can be oral or written). Houseboats and manufactured homes are eligible if they are stand-alone or if they are in a marina or a manufactured home park.

16. Q – *Are there income restrictions on tenants or limits on the amount of rent that the LCF program will cover?*

A – No. There are no tenant income restrictions or rent ceilings associated with the program. See ORS 90.323 for rent increase restrictions.

17. Q – *How do I handle vacant units with my application.*

A – Because the unit did not have a renter, it would not have debt owed during the period it was vacant. Therefore, vacant units should be shown with \$0 rent owed, paid and due.

### System

18. Q - *Is the LCF portal mobile friendly?*

A – The LCF portal can be viewed on a mobile platform but certain functionality associated with the application process will require a computer.

19. Q – *How can I get assistance with the portal itself?*

A - Assistance can be obtained via the chat window inside the portal, or via email at [hcs.lcf@oregon.gov](mailto:hcs.lcf@oregon.gov).

20. Q – *Will Round 2 be easier to apply?*

A – Yes, a number of application portal changes have been made to make the application portal easier to use with less technical issues.

### Timing

21. Q - *When will I be able to submit an application for LCF funds?*

A – OHCS currently anticipates the application portal will be available to receive initial applications April 29, 2021 for the second round applications. Additional rounds will be advertised as these rounds are determined. You can sign up for updates on our website ([here](#)) to be notified of the program rollout and, in the meantime, you can begin preparing information for submission by reviewing the LCF program page available [here](#).

22. Q – *When will the application period close?*

A – OHCS anticipates closing the portal for the initial round approximately two weeks after opening the application round. OHCS will announce a firm closing date after program launch is successfully underway.

23. Q – *How much money is available?*

A – HB 4401 provided \$150 million dollars for the Landlord Compensation Fund Program. OHCS will make at least \$50 million dollars available for the April, 2021 application round, which covers arrearages for Qualified Tenants from April 2020 to last month covered by the application round. Additional funding will be released in additional rounds in the coming months.

24. Q – *When will I know if I was awarded funds?*

A – OHCS anticipates notifying applicants of awards prior to the opening of the next application round. The anticipation is that award announcement will be made by the end of the first full week of the month following the application round.

25. Q – *When will I receive payment?*

A – OHCS anticipates payments will be received by the owner within 60 days after the awards are announced. Payments are made by local Public Housing Authorities so payment time may vary.

26. Q – *How will we know when to apply?*

A – OHCS will post this information on the OHCS website: [oregon.gov/ohcs](http://oregon.gov/ohcs). OHCS will also send out an email letting contacts know when the funding round is open. To get on this email list please [sign up here](#) and subscribe.

### Application Questions

27. Q – *How far back may I ask for rental debts owed?*

A – Legislation allows for Landlords to request unpaid rent for tenants that have signed the [Declaration of Financial Hardship for Eviction Protection](#) for rents that came due from April 1, 2020 through the month of application.

28. Q – *May I include unpaid rental debt as of the month I apply?*

A – Yes. All applications must include rental information from April 1, 2020 to the month of the application (should include the current month). Applications that do not receive

funding may be required to update their information in the system from one month to the next in order to include rental information for the current month depending upon system capabilities. More information to come.

29. *Q – Do I have to submit Tenant Declaration of Financial Hardship forms?*

A – Yes, though OHCS will need the Landlord to provide information on all debts owed for scoring purposes, only debts tied to submitted Tenant Declaration of Financial Hardship forms are eligible for LCF program funds.

30. *Q - Do the Tenant Declaration of Financial Hardship forms need to be signed?*

A – HB-4401 states that the Declaration of Financial Hardship may be given to the landlord in a number of ways including in person, via first class mail, or by sending a copy or photograph via e-mail or text message. OHCS will accept this document when provided to the landlord in any of these applicable formats but the document should be signed in some format (wet or electronically).

31. *Q - Do applicants have to use the fillable Tenant Declaration of Financial Hardship found on the OHCS website?*

A – No, any format that substantially meets the guidance provided in HB-4401 is acceptable.

32. *Q – We are requesting LCF for a property with multiple owners, do you need a W-9 from each owner?*

A – OHCS requires one W-9 which will need to tie to the property.

33. *Q – LCF requires that information be provided for my entire ownership portfolio, please explain what that means?*

A – HB-4401 requires that scoring include a comparison of an owner’s portfolio (for more information on scoring see “Are application awards first come, first served”). Important note - this is the ownership portfolio and not the property managers portfolio. Though Landlord is used throughout the LCF Program to mean owners and property managers, for this purpose, portfolios are strictly an ownership determination.

OHCS has determined that an ownership portfolio is defined as property owned by the same unique ownership group or LLC. In other words, each LLC is a separate portfolio and ownership groups with a different ownership makeup will also equate to a different portfolio. Here are some examples:

- Different property with different LLC’s (even if same owners) = different portfolio. One owner or ownership group with interest in multiple properties but with different partners in each property = different portfolio. Same LLC with different properties = same portfolio. Multiple partners own multiple properties (same ownership group)= same portfolio. Same owner owns multiple properties = same portfolio

34. Q – *Should I put my entire portfolio together in one rent roll or have a rent roll for each property?*

A – You should input a rent roll for each property. The portfolio will be tied together with the Owner and the W-9.

35. Q – *Do I need to provide rent rolls for properties that do not have any Declaration of Financial Hardship forms attached to them?*

A – Yes, OHCS needs rent roll information for all properties. OHCS does not need names of the tenants that are current with rent, just addresses an amount of rent owed / collected.

### **Award Information**

36. Q – *How much of the Rental Debt will the LCF Program cover?*

A – HB 4401 authorizes OHCS to pay 80% of the rental debt owed by Qualified Tenants. To be eligible for this grant, Landlords must agree to forgive the remaining 20% of the tenant's debt as part of the grant agreement and as a condition of receiving payment.

37. Q- *Can a Property Owner accept payment for the remaining 20% or return the LCF payment if they are able to collect 100% of the debt after the award.*

A – No, the Property Owner may not collect the remaining 20% once they accept LCF funding. If a Property Owner accepts a payment for a month covered under the LCF program, the entire amount accepted is subject to OHCS recapture (the 80% paid by LCF and the additional 20%) per HB4401. Note: the rental portion forgiven by the landlord (20%) cannot be paid or reimbursed by the tenant or any other source including federal, state or local funding. It must be forgiven with the acceptance of LCF resources.

38. Q – *What if I receive a payment for my tenants after I apply?*

A – There are many different federal, state and local programs offering assistance and some tenants may have the means after signing the declaration to provide payment. HB-4401 is clear that if a Landlord is awarded funds and accepts the terms of the LCF program the Landlord will receive 80% of the debt owed and the Landlord must forgive the remaining 20%. Landlords have three options if they receive payment from a tenant after agreeing to the terms and conditions of the program:

1. If the additional rental payment received can be applied to future rent OHCS encourages Landlords to do apply the additional funds to these current debts (this is particularly a good option for tenant paid rent but can also be applied to other sources as well).
2. Landlords may refuse or return the money received from the other source so it can go to another tenant in need.
3. You can pay back the LCF fund. Please note that HB-4401 requires that the LCF fund be reimbursed at 100% of the rent (LCF funds plus the forgivable portion).

39. Q – *Are the application awards first come, first served?*

A – No. OHCS has developed a scoring criteria that weighs portfolio size and percentage of uncollected rent with preference being attached to smaller portfolios and those properties with higher uncollected rental debt. In addition, as required by HB 4401, OHCS will release funding in multiple rounds over the course of up to 5 months (likely 3 scoring rounds).

40. Q – *If I do not receive an award in one round do I need to reapply for the next?*

A – You will only need to provide updated information for the new month and any changes to previous month information, (this must be done even if all debts are current for the new month). Applications need to be updated between rounds or they will not be considered.

41. Q – *If I am funded may I apply again if I have additional debt?*

A – Yes, even if you are funded you may reapply from one round to another. OHCS will require a new application, and all information from April 1, 2020 to the last month covered by the application round is still required. Your application should be updated to include debt repayment that you were awarded.

Note: OHCS does not anticipate that payment of your award will occur prior to the opening of a new round. Applicants will receive an award letter and applications should be presented based on the anticipation that the Qualified Tenant’s rental debts will be paid. The new application should only include new rental debts and/or rental debts with newly received *Declaration of Financial Hardship for Eviction Protection* forms.

### **Privacy Considerations**

42. Q – *How will the tenant information provided be used?*

A – Information provided through the Landlord Compensation Fund application process will only be shared for programmatic related purposes. Tenant information is non-subject to Freedom of Information Act (FOIA) requests (ORS 192.355 (24)).

### **Fraud Considerations**

43. Q – *Will OHCS be monitoring these funds for fraud and abuse?*

A – Yes, the information OHCS is requesting for the application is designed to assist with fraud and abuse protection. In addition, OHCS requires Landlords to agree to a number of terms and conditions including authorizing the agency to do an audit to confirm the requested assistance meet program guidelines.



44. *Q – What responsibility does the Landlord have to assure that the Declaration of Financial Hardship for Eviction Protection is warranted?*

A – OHCS would consider the Landlord at fault if the Landlord conspired, coerced or fraudulently completed a Declaration of Financial Hardship for Eviction Protection form for the tenant. It is not the Landlords responsibility to make a determination of the tenants need for hardship, that is for the tenant to determine and agree to if they feel they meet the criteria as provided in HB-4401.

45. *Q – How do I report a fraud or abuse concern?*

A – To report fraud please send a detailed email to [HCS.Internal\\_Audit@oregon.gov](mailto:HCS.Internal_Audit@oregon.gov).