



Landlord Compensation Fund

Frequent Asked Questions (FAQ) – 3rd Round update 6/9/2021

Oregon Housing & Community Services (OHCS)

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*****Important Changes to Round 3*****

The Landlord Compensation Fund has been made available to Landlords for two rounds of funding opportunity. Award totals for either round did not exceed the funds made available prompting LCF to make some policy and application changes to the program. Please read the following Q & A section to better understand these changes. Round 3 specific information is new and Round 2 specific information can be carried forward to Round 3 unless specifically stated otherwise. Updates and changes to previous guidance has also been made, some of which may be important to your circumstances. Changes to policy guidance has been emphasized by the

updated status change after the questions. Please review the whole document to see all applicable changes.

Round 3 Specific Questions

1. Q – What are the primary changes from Rounds 1 & 2 to Round 3?

A – OHCS has made 3 primary changes moving into Round 3.

They are:

1. Landlords may now apply for former tenants if they have a Declaration of Tenant Hardship form - for more information please continue reading this FAQ.
2. LCF will now allow Landlords to include pet rents and garage rents if they are a part of a covered participants dwelling lease agreement (addendums or attachments are allowable) - for more information please continue reading this FAQ.
3. LCF anticipates that we will no longer score rounds. Applications will be awarded (if determined eligible) on a weekly rolling basis. This also means that, in round three, the required rent roll document will only need to include the tenants with past due rents and signed Declarations of Financial Hardship that will be included on the application for resources - for more information please continue reading this FAQ.

2. Q - Why are these changes being made now?

A – There are a number of factors associated with these changes and the timing of them. The most common thread is the application requests in the first two rounds have not exceeded the available funding.

3. Q – Can I decide to not accept LCF funding after I have applied?

A – You may decline LCF funding up to the point that you have signed the Housing Assistance Payment (HAP) grant agreement. Once that grant agreement has been signed, funding is released to the PHA’s who notify tenants that the past-due rent from the LCF application has been paid. As such, the grant agreement may not be terminated or rescinded.

If a tenant provides resources through any means (including other rent assistance program) we encourage the landlord to pursue applying it to rental periods not covered through the LCF program, and if that is not possible to return the funds to avoid penalties of duplicate coverage. Once the HAP has been signed, LCF resources may not be returned.

Former Tenant Specific Questions

4. Q – Can a Landlord submit the same Declaration of Financial Hardship Form for Eviction Protection used in Round 1 and 2?

A – LCF has created a special [Declaration of Financial Hardship for Eviction Protection](#) form for former tenants to make the form more pertinent to this group of tenants. LCF would prefer Landlords use this form for former tenants but this specific version of the form is not required (i.e. any version of the Declaration of Financial Hardship for Eviction Protection form as defined in statute may be acceptable).

5. Q – Is there a special Declaration of Financial Hardship form for former tenants?

A – If a Landlord has a signed Declaration of Financial Hardship for a tenant provided during their tenancy, that may be used if the Landlord can provide the current address of the former tenant. If the Landlord does not have the current address they must make and document a reasonable effort to retrieve that information. LCF will accept the last known address of the former tenant if a current address cannot be determined. Efforts to find former tenant’s current address may be subject to audit. Reasonable effort will be defined as the Landlord’s standard operating procedure to find a tenant when attempting to litigate debt owed.

If a Landlord does not have a signed Declaration of Financial Hardship, LCF has created a special [Declaration of Financial Hardship for Eviction Protection](#) form for former tenant to sign where their current address will also be included. LCF would prefer Landlords use this form for former tenants wherever possible.

6. Q – If I want to apply for a former tenant debt, how do I fill out my application to reflect that they are a former tenant?

A – The Rent Roll should tie the tenant to the property and would indicate the name and address of the former tenant when they lived in your property. The hardship form and the “Scorecard” should reflect the former tenants current address or last known address if Landlord has made reasonable effort to so they can be contacted about their debt relief and for any auditing measures.

7. Q – If I applied for a current tenant and would now like to apply for a former tenant, and they both lived in the same address, is that allowable.

A – Yes, please see answer 4 on how to input this information in the application portal.

Pet & Garage Rents

8. Q – Can LCF cover pet rent and garage rent?

A – Yes, while this was not allowable in round 1 and 2 – in Round 3 LCF has expanded eligibility to include pet rent and garage rent if these agreements are a part of the residential rental agreement (i.e. included in the rental agreement itself or as an attachment). Separate agreements for garage units would not be allowable. Deposits are also not allowable.

If you are applying for pet or garage rent for a tenant that you had previously requested rent coverage, be sure to have pet and garage rent documented in the rent roll documentation.

Weekly Rolling Rounds

9. Q – Are there any changes to the application process itself in Round 3?

A – Yes, after Round 2, LCF will move away from a monthly round designed to provide for a scoring process and move to a rolling weekly round process. In other words, LCF will fund eligible applications weekly starting on or around June 8th and continue this weekly award process on or around June 15th and likely 22nd. LCF will likely re-assess the possibility of any additional/fewer award periods in mid-June.

10. Q – Does removal of the scoring process affect information submission?

A – Yes, LCF will no longer need information for all tenants on the rent roll when completing the required building scorecard; instead this rent roll can be limited to just those tenants with past due rent and signed Declarations of Financial Hardship that will be included on the Landlord application for resources.

11. Q – *If I applied for Round 1, may I apply again for Round 2 and/or 3?*

A – Yes, if you received a funding recommendation from LCF (which means the applicant was asked to log back into the system to complete a funding agreement for the application to proceed to fiscal processing) you will just want to be careful to ONLY include in your fund request those months of past-due rent that had not been included in your prior application. Any new tenant debt or debt that you did not request in the previous round(s) may be applied for (for example you received a hardship form from a tenant that had not provided you one in Round 1 or 2).

12. Q – *If I applied in Round 1 and/or Round 2 do I need to update my information? ***Updated****

A – Yes, when you are creating a scorecard for your application, applicants are asked to upload a rent roll document. That rent roll document should be accurate at the time of submission and include any updates made between funding rounds. In round three, applicants will only be required to include those tenants that they are seeking funding for (those with past-due rent and signed Declarations of Financial Hardship) in this rent roll document.

When applicants are completing the tenant level detail for the funding request, applicants should ONLY include those months not previously included in a LCF funding round application that was recommended for funding (which means the applicant was asked to log back into the system to complete a funding agreement for the application to proceed to fiscal processing).

13. Q - Does my Round 1 or 2 funding recommendation assure me of payment?

A – No, however the only remaining verification step is the Housing Authority ownership verification process. If they find that the applicant did not have the rights to apply, they will not be funded. If you are the owner or otherwise legally eligible to receive funding and clear the tenant debts agreed to, you are likely to be funded within 60 days of completing grant agreements.

14. Q – If I applied in a previous round can I just send a funding request for the newest months?
Updated

A –Yes, in Round 3 you will only need to submit the information you are requesting reimbursement for (see question 12).

15. Q – If I receive a new Declaration of Financial Hardship for Eviction Protection form covering months previously covered in Round 1 or 2, may I add this debt to Round 2 or 3.

A – Yes, as long as the debt wasn't included in Round 1 or 2 (and it should not have been if it is a previously unreceived Declaration of Financial Hardship for Eviction Protection form), it can be included in Round 2 or 3.

16. Q – What time period is covered in Round 3?

A – Round 3 will include rental debt from April 1, 2020 – June 30, 2021. OHCS advises applicants to not include June unpaid rent until after the normal collection period.

General Questions

17. 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 30th, 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.

18. 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). Requests due to disability will be handled through the Reasonable Accommodation process as prescribed by Fair Housing law.

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

A – Please refer to the [LCF Checklist found here](#).

20. 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.

21. 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.

22. 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

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

A – Landlords of Oregon Residential Property who have qualified 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.

24. Q – Are commercial properties eligible?

A – No.

25. 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.

26. 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.

27. 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).

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

A – Yes, LCF has expanded eligibility to current and former tenants for Round 3. In all cases the landlord must have a signed Declaration of Financial hardship and the current address for the tenant (where they are living as of the time of the application). If the current address of the tenant is unattainable after a reasonable effort has been made, the Landlord may use the last known address of the former tenant (see question 5). This information may be audited by OHCS in the funding process to ensure that all tenants benefiting from the LCF funding are able to be notified of their debt coverage.

29. 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 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.

30. 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.

31. 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.

32. 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.

33. 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

34. 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.

35. 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.

Timing

36. Q – *When will the application period close? *Updated**

A – *Round 3 is scheduled to re-open on June 1 and will remain open through at least June 15. LCF is moving to weekly rolling application rounds which means that the application portal will not close but LCF will periodically batch applications on a weekly basis to begin funding if eligible.*

37. Q – *How much money is available? *Updated**

A – HB 4401 provided \$150 million dollars for the Landlord Compensation Fund Program. To date, approximately \$85 million dollars has been earmarked for expenditure by the program as the opening of Round 3 nears. It is anticipated that approximately \$65 million dollars will be available for the rolling round process in Round 3.

38. 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. Landlord notification

of funding recommendation means the applicant was asked to log back into the system to complete a funding agreement for the application to proceed to fiscal processing.

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

A – OHCS anticipates payments will be received by the owner approximately 30-60 days after the landlord finalizes their grant agreement. Payments are made by local Public Housing Authorities so payment time may vary.

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

A – OHCS will post this information on the OHCS website: 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

41. 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 June 2021.

42. 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.

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

A – Yes, LCF may only fund debts tied to submitted Tenant Declaration of Financial Hardship forms for the eligible period of time.

44. 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).

45. 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.

46. 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.

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

A – You should create a property in the system for each property that you will be applying for resources and include in the rent roll to be included in the Round 3 scorecard only the tenant rental history for the tenants in that property. Beginning in Round three the rent roll only needs to reflect the tenant rent payment for those tenants with past due rent and signed Declarations of Financial Hardship that will be included in the landlord application for resources.

48. Q – Do I need to create properties and provide data on properties that do not have any tenants with past due rent and signed Declaration of Financial Hardship forms attached to them?

Updated

A – No, not in Round 3.

Award Information

49. 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.

50. 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. **Updated**

A – No, the Property Owner may not collect the remaining 20% once they accept LCF funding.

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

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 two 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 apply the additional funds to these future 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.

Please Note: Once the tenant rent has been awarded by LCF the tenant and the landlord are no longer eligible for other funding if duplicative of LCF assistance. Any additional funding from another source is likely against the third party program rules. Therefore, funding should be returned to that source or, if allowable, in some cases can be used for future rent as outlined above.

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

A – LCF will modify its application process in Round 3 to a rolling weekly award process. LCF anticipates enough funding to award all eligible applications through the final weekly round 3 opening.

53. 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.

54. 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 recommendation 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

55. 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, including auditing for duplication of benefits. Tenant information is non-subject to Freedom of Information Act (FOIA) requests (ORS 192.355 (24)).

Fraud Considerations

56. 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.

57. 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.

58. 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.