



## Landlord Compensation Fund

*Frequent Asked Questions (FAQ) – updated 2/5/2021*

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 current date, who meet the criteria for financial hardship. Tenants must provide their landlord with a [Declaration of Financial Hardship for Eviction Protection](#). 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 - present 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 upload rent amounts collected and owed for all units from April 1, 2020 through the date of application. 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.

Note: the rent roll template on our program website has been removed; we anticipate publishing an updated version with clearer directions as early as next week.

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 current date, 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, OHCS has taken the position that 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.

## System

17. 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.

18. 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).

## Timing

19. 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 around the middle of February, 2021. Once it opens, applicants will have 2 weeks to submit an application. 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](#).

20. 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.

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

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

22. 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.

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

A – OHCS anticipates payments will be received within 60 days of application. Payments are made by local Public Housing Authorities so payment time may vary.

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

A – OHCS will post this information on the OHCS website: [oregon.gov/ohcs](https://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

25. 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.

26. 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 will 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.

## Award Information

27. 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.

28. 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.

29. 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. In addition, as required by HB 4401, OHCS will release funding in multiple rounds over the course of up to 5 months (likely 3 or 4 months).

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

A – yes, but your application will roll over into the next round. You will only need to provide updated tenant rent debt information for the new month, (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.

31. 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 current 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

32. 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)).