

# Housing Choice Landlord Guarantee Program

## Program Factsheet

### Program Overview

Oregon Housing and Community Services (OHCS) was directed by the 77<sup>th</sup> Oregon Legislative Assembly to develop and implement the Housing Choice Landlord Guarantee Program. The Housing Choice Landlord Guarantee Program is designed to provide financial assistance to landlords to mitigate damages caused by tenants as a result of their occupancy under the HUD Housing Choice Voucher Program, also known as Section 8.

### Eligibility Requirements

A landlord may apply for financial assistance to reimburse them for qualifying damages. 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 after July 1, 2014.

To qualify for program assistance, 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.

- (a) The judgment must be from a circuit court, a small claims department of a circuit court, or a justice court;
- (b) 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.

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 claims must include the following:

- a) Property damage incurred after July 1, 2014;
- b) 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;
- c) Damage to property exceeds normal wear and tear; and
- d) Expenses for repairs are in excess of \$500, but not more than \$5,000 per tenancy.

### Types of Program Assistance:

- (a) **Partial Reimbursements:** Program assistance may be available for damages in amounts less than \$500 when a partial amount is still owed on a judgment that is in excess of \$500. For example, if a landlord received a payment of \$400 on a \$700 judgment on qualifying damages, the landlord may seek reimbursement for the remaining \$300 owed to them under the judgment.
- (b) **Reimbursements up to \$5,000:** Program assistance for damages up to \$5,000 may be provided on a judgment that is in excess of \$5,000. For example, if a landlord has a judgment for \$7,000 for qualifying damages, the landlord may see reimbursement for up to \$5,000 of the qualifying damages.

### Qualifying damages include:

- (a) Attorney fees, court costs, and interest;

- (b) Loss of rental income during the time required for repairs to with respect to qualifying property damage;
- (c) Lease-break fees;
- (d) Pre-judgment and/or post-judgment interest;
- (e) Other costs related to lease violations by a tenant such as repair labor, materials, disposal fees, etc.

A landlord may not seek, accept or retain program assistance from the department for amounts already paid for qualifying damages by the tenant or by a third party. If, after submitting a claim for program assistance, a landlord receives payment for any claimed damages from a tenant or a third party, the landlord must notify the department within ten (10) days of such payment. A landlord must provide restitution to the department for overpaid program assistance within forty-five (45) days. The department will maintain a record of program assistance provided to a landlord to assist in determining if there has been an overpayment of program assistance.

### **Program Delivery**

A landlord must submit a claim for program assistance to the Department within one year of obtaining a judgment against a qualified tenant. 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. The application is available online at [http://www.oregon.gov/ohcs/Pages/css\\_housing\\_choice\\_landlord\\_guarantee\\_assistance.aspx](http://www.oregon.gov/ohcs/Pages/css_housing_choice_landlord_guarantee_assistance.aspx). 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.

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

Tenants whose landlords have received a judgment against them and submitted claims for assistance will be requested to repay the assistance. OHCS will contact tenants to request repayment, and will assist in creating reasonable repayment plans. OHCS may waive or suspend debt owed by tenants as circumstances dictate. OHCS may also send the debt to the Department of Revenue for collection.

### **Program Assistance**

Landlords who are considering renting to Housing Choice Voucher tenants who have had judgments filed against them may contact OHCS to determine whether the tenant is in compliance. Landlords should contact [landlord.guarantee@oregon.gov](mailto:landlord.guarantee@oregon.gov), or 1-800-453-5511 (choose option 8), and should expect a response within two (2) business days. To receive this information, the landlord will need to provide a tenant's name and the judgment number.

### **More Information**

Individuals with questions about the program should contact: Ernest Kirchner, Program Analyst, at [Ernest.Kirchner@oregon.gov](mailto:Ernest.Kirchner@oregon.gov), or 1-800-453-5511 (choose option 8).