

HOUSE AMENDMENTS TO HOUSE BILL 2639

By COMMITTEE ON HUMAN SERVICES AND HOUSING

April 17

1 On page 1 of the printed bill, lines 22 and 23, delete the boldfaced material and insert “. This
2 paragraph does not prevent a person from refusing to lease or rent real property to a prospective
3 renter or prospective lessee:

4 “(A) Based upon the past conduct of a prospective renter or prospective lessee provided the
5 refusal to lease or rent based on past conduct is consistent with local, state and federal law, in-
6 cluding but not limited to fair housing laws; or

7 “(B) Based upon the prospective renter’s or prospective lessee’s inability to pay rent, taking into
8 account the value of the prospective renter’s or prospective lessee’s local, state and federal housing
9 assistance, provided the refusal to lease or rent based on inability to pay rent is consistent with
10 local, state and federal law, including but not limited to fair housing laws.”.

11 On page 2, delete lines 1 through 6.

12 On page 3, line 38, delete “as defined in ORS 456.005”.

13 Delete page 4.

14 On page 5, delete lines 1 through 33 and insert:

15 “**SECTION 3. (1) The Housing and Community Services Department shall develop and**
16 **implement the Housing Choice Landlord Guarantee Program for the purpose of providing fi-**
17 **ancial assistance to landlords to mitigate damages caused by tenants as a result of occu-**
18 **pancy under the Housing Choice Voucher Program.**

19 “**(2) Landlords that are eligible for assistance under the Housing Choice Landlord Guar-**
20 **antee Program must obtain a judgment against the tenant in either the small claims de-**
21 **partment of a circuit court or a circuit court for the county in which the property is located.**
22 **Assistance is limited to reimbursement for only those amounts in the judgment that are**
23 **related to property damage, unpaid rent or other damages:**

24 “**(a) Caused as a result of the tenant’s occupancy under the Housing Choice Voucher**
25 **Program;**

26 “**(b) That exceed normal wear and tear; and**

27 “**(c) That are in excess of \$500 but not more than \$5,000 per tenancy.**

28 “**(3) A landlord must submit a claim for assistance to the department within one year**
29 **of obtaining a judgment against a tenant pursuant to subsection (2) of this section.**

30 “**(4) The department may contract with a public or private provider for the adminis-**
31 **tration of the Housing Choice Landlord Guarantee Program. The department is not subject**
32 **to the provisions of ORS chapter 279A or 279B in awarding a contract under the provisions**
33 **of this subsection. The department shall establish by rule procedures for inviting proposals**
34 **and awarding contracts under this subsection.**

35 “**(5) The department shall adopt rules to implement the provisions of this section, in-**

1 cluding but not limited to prescribing additional qualifications and requirements that must
2 be met by landlords and the form of application that must be submitted to the department
3 to receive assistance under the program.

4 **“SECTION 4. (1) When a landlord is determined to be eligible to receive assistance under**
5 **sections 2 to 6 of this 2013 Act, the Housing and Community Services Department shall enter**
6 **into a reasonable repayment agreement with the responsible tenant that provides for repay-**
7 **ment by the tenant to the department of the full or a partial amount of the assistance paid**
8 **to the landlord.**

9 **“(2)(a) Consistent with the requirements of federal law, all local housing authorities that**
10 **participate in the Housing Choice Voucher Program shall, upon written notice from the de-**
11 **partment that a tenant has failed to repay the amount required under subsection (1) of this**
12 **section, be prohibited from approving a dwelling unit for the responsible tenant, and may not**
13 **enter into a contract with a landlord that provides for occupancy of the landlord’s dwelling**
14 **unit by that tenant at any future time, regardless of the area of operation of the local**
15 **housing authority wherein the dwelling unit that sustained the damages was located.**

16 **“(b) Notwithstanding paragraph (a) of this subsection, this subsection does not apply**
17 **when the tenant has made or is making a good faith effort to comply with the repayment**
18 **agreement.**

19 **“(3) The department shall, in accordance with ORS chapter 183, provide an opportunity**
20 **for the tenant to contest the department’s determination that the tenant has failed to repay**
21 **amounts due under a repayment agreement or that the tenant has not made or is not mak-**
22 **ing a good faith effort to comply with the repayment agreement. The department shall serve**
23 **a notice of noncompliance upon the tenant in accordance with ORS 183.415 that states:**

24 **“(a) The amount remaining unpaid by the tenant under the repayment agreement; and**

25 **“(b) That the department may prohibit all local housing authorities, regardless of the**
26 **area of operation of the local housing authority wherein the dwelling unit that sustained the**
27 **damages was located, from approving a dwelling unit for the tenant in the future and from**
28 **entering into a contract with a landlord that provides for the tenant’s occupancy of the**
29 **landlord’s dwelling unit by that tenant at any future time.**

30 **“(4) The department shall waive the requirements of this section for good cause as set**
31 **forth in rules adopted by the department.**

32 **“SECTION 5. (1) There is created within the State Treasury, separate and distinct from**
33 **the General Fund, the Housing Choice Landlord Guarantee Program Fund. Interest earned**
34 **by the Housing Choice Landlord Guarantee Program Fund shall be credited to the fund.**

35 **“(2) Moneys in the Housing Choice Landlord Guarantee Program Fund shall consist of:**

36 **“(a) Amounts donated to the fund;**

37 **“(b) Amounts appropriated or otherwise transferred to the fund by the Legislative As-**
38 **sembly;**

39 **“(c) Investment earnings received on moneys in the fund; and**

40 **“(d) Other amounts deposited in the fund from any source.**

41 **“(3) Moneys in the fund are continuously appropriated to the Housing and Community**
42 **Services Department to carry out the provisions of sections 2 to 6 of this 2013 Act.**

43 **“(4) The department may use moneys in the fund to pay the administrative costs asso-**
44 **ciated with the fund and with processing applications, making payments to landlords and**
45 **administering repayment agreements under sections 2 to 6 of this 2013 Act.**

1 **“SECTION 6. (1) Local housing authorities shall report annually to the Housing and**
2 **Community Services Department regarding information required to be provided to the Sec-**
3 **retary of Housing and Urban Development regarding each local housing authority’s partic-**
4 **ipation in the Housing Choice Voucher Program.**

5 **“(2) Local housing authorities shall annually review internal procedures and processes**
6 **so as to coordinate the length of the rental and lease terms with market standards for the**
7 **purpose of achieving the maximum use and benefit in the best interests of tenants and**
8 **landlords from tenant-based assistance payments under the Housing Choice Voucher Pro-**
9 **gram.**

10 **“(3) Consistent with federal law, local housing authorities shall facilitate participation of**
11 **landlords in the Housing Choice Voucher Program by:**

12 **“(a) Ensuring timely inspection of dwelling units and prompt processing of tenant appli-**
13 **cations and tenant-based assistance payments to landlords;**

14 **“(b) Establishing leases with terms that match the lease length that is standard and**
15 **customary for the dwelling units involved;**

16 **“(c) Assisting tenants and landlords with service referrals; and**

17 **“(d) Establishing a process that allows landlords to provide regular input to local housing**
18 **authorities.**

19 **“(4)(a) There is created the Statewide Housing Choice Advisory Committee to be ap-**
20 **pointed by the Director of the Housing and Community Services Department. The director**
21 **shall have discretion to determine the number of committee members and the duration of**
22 **membership. The committee membership must be geographically representative of all re-**
23 **gions of this state and shall include an equal number of representatives for each of the fol-**
24 **lowing:**

25 **“(A) Local housing authorities and their representatives;**

26 **“(B) Landlords of single and multiple dwelling units and their advocates; and**

27 **“(C) Tenants and their advocates.**

28 **“(b) The committee shall:**

29 **“(A) Advise the department with respect to matters of interest and concern regarding**
30 **the Housing Choice Voucher Program;**

31 **“(B) Discuss and share best practices for maximizing participation by landlords and ten-**
32 **ants in the Housing Choice Voucher Program; and**

33 **“(C) Develop strategies and outcome measures for gauging the effectiveness of the**
34 **Housing Choice Voucher Program.**

35 **“(c) The committee shall prepare and submit a report to the committees of the Legisla-**
36 **tive Assembly that have authority over the subject area of housing on the date of the con-**
37 **vening of each regular session of the Legislative Assembly regarding participation in and the**
38 **effectiveness of the Housing Choice Voucher Program in this state.”.**

39 On page 7, after line 21, insert:

40 **“SECTION 12. Sections 2 to 8 and 11 of this 2013 Act are added to and made a part of**
41 **ORS chapter 456.”.**

42 In line 22, delete “12” and insert “13”.

43 In line 26, delete “13” and insert “14”.

44 In line 30, delete “14” and insert “15”.