

Enrolled
House Bill 2944

Sponsored by Representative KOTEK; Representative STARK

CHAPTER

AN ACT

Relating to the Housing Choice Landlord Guarantee Program; creating new provisions; amending ORS 456.378 and 456.385; repealing ORS 456.380; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 456.380 is repealed.

SECTION 2. ORS 456.378 is amended to read:

456.378. (1) The Housing and Community Services Department shall develop and implement the Housing Choice Landlord Guarantee Program for the purpose of providing financial assistance to landlords to mitigate damages caused by tenants as a result of occupancy under the Housing Choice Voucher Program.

(2) Landlords that are eligible for assistance under the Housing Choice Landlord Guarantee Program must obtain a judgment against the tenant, **following a hearing in which the landlord proves the amount of damages**, in either the small claims department of a circuit court or a circuit court for the county in which the property is located. Assistance is limited to reimbursement for only those amounts in the judgment that are related to property damage, unpaid rent or other damages:

- (a) Caused as a result of the tenant’s occupancy under the Housing Choice Voucher Program;
- (b) That exceed normal wear and tear; and
- (c) That are in excess of \$500 but not more than \$5,000 per tenancy.

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

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

(5) The department shall adopt rules to implement the provisions of this section, including but not limited to prescribing additional qualifications and requirements that must be met by landlords and the form of application that must be submitted to the department to receive assistance under the program.

SECTION 3. ORS 456.385 is amended to read:

456.385. (1) There is created within the State Treasury, separate and distinct from the General Fund, the Housing Choice Landlord Guarantee Program Fund. Interest earned by the Housing Choice Landlord Guarantee Program Fund shall be credited to the fund.

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

- (a) Amounts donated to the fund;
- (b) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly;
- [(c) Amounts repaid by tenants under ORS 456.380;]
- [(d)] (c) Investment earnings received on moneys in the fund; and
- [(e)] (d) Other amounts deposited in the fund from any source.

(3) Moneys in the fund are continuously appropriated to the Housing and Community Services Department to carry out the provisions of ORS 456.375 to 456.390.

(4) The department may use moneys in the fund to pay the administrative costs associated with the fund and with processing applications, making payments to landlords and administering repayment agreements under ORS 456.375 to 456.390.

SECTION 4. The amendments to ORS 456.378 by section 2 of this 2017 Act become operative on August 1, 2017.

SECTION 5. (1) The amendments to ORS 456.385 by section 3 of this 2017 Act and the repeal of ORS 456.380 by section 1 of this 2017 Act apply to claims for financial assistance under the Housing Choice Landlord Guarantee Program made before, on or after the effective date of this 2017 Act.

(2) The amendments to ORS 456.378 by section 2 of this 2017 Act apply to claims for financial assistance based on judgments entered on or after the operative date specified in section 4 of this 2017 Act.

SECTION 6. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by House March 21, 2017

Received by Governor:

Repassed by House May 30, 2017

.....M.,....., 2017

Approved:

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Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2017

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Tina Kotek, Speaker of House

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Kate Brown, Governor

Passed by Senate May 25, 2017

Filed in Office of Secretary of State:

.....M.,....., 2017

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Peter Courtney, President of Senate

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Dennis Richardson, Secretary of State