



PERMANENT ADMINISTRATIVE ORDER

OHCS 21-2025
CHAPTER 813
OREGON HOUSING AND COMMUNITY SERVICES DEPARTMENT

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FILING CAPTION: Amends rule for increase to award limitation.

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AMEND: 813-360-0030

RULE TITLE: Landlord Eligibility

NOTICE FILED DATE: 02/24/2025

RULE SUMMARY: To increase award limitation and allow for larger reimbursement of losses due to increase in inflation related to the mitigation of damages in eligible tenancies.

RULE TEXT:

- (1) In order to be eligible for HCLGP assistance, a landlord must have an executed rental or lease agreement under the Housing Choice Voucher Program or a Rehousing Initiative Certificate issued by a local housing provider under an eligible Rehousing Initiative.
- (2) In order to be eligible for HCLGP assistance, a landlord must submit a complete application, in form and format prescribed by OHCS. Incomplete applications cannot be processed and will be denied.
- (3) HCLGP assistance may be provided for reimbursement of qualifying damages, including, but not limited to the following:
 - (a) Property damage;
 - (b) Unpaid rent;
 - (c) Loss of rental income during the time required for repairs with respect to qualifying property damage;
 - (d) Lease-break fees; and
 - (e) Other costs related to lease violations by a tenant.
- (4) In addition, for a claim of damages to qualify:
 - (a) The damage amounts must be incurred from an eligible tenant occupancy that began after July 1, 2014, if under a Housing Choice Voucher agreement, or after January 10, 2023, if under a Rehousing Initiative;
 - (b) The damage amounts must be caused by the tenant's occupancy, pursuant to a rental agreement under the Housing Choice Voucher Program or Rehousing Initiative, in effect at the time the damage was incurred;
 - (c) Property damage amounts must exceed normal wear and tear. OHCS will apply standard depreciation and expenses must be documented, reasonable, and unduplicated at OHCS' sole discretion; and
 - (d) The total damage amounts must be in excess of \$500, but not more than \$20,000 per tenancy.
- (5) A landlord may not seek, accept or retain HCLGP assistance from OHCS for amounts paid to the landlord for

qualifying damages by the tenant or by a third party.

(6) If, after submitting an application for HCLGP assistance to OHCS, a landlord receives payment from a tenant or a third party for any damages identified in the application for assistance, the landlord must notify OHCS within 10 days of such payment.

(7) A landlord must provide restitution to OHCS for overpaid HCLGP assistance within 45 days.

(8) OHCS shall maintain a record of HCLGP assistance provided to a landlord to assist it in determining if there has been an overpayment of HCLGP assistance to that landlord.

(9) To receive HCLGP assistance, the landlord must submit a complete application, satisfactory to OHCS, inclusive of all supporting documentation as required in the application. The HCLGP application shall be available on the OHCS website.

(10) A landlord must submit to OHCS an application for HCLGP assistance after a tenant has vacated and within one year following the later of the date that:

(a) The tenancy for which the application is made terminates; or

(b) The landlord obtains possession of the dwelling unit for which the application is made; or

(c) Payments from the Housing Choice Voucher Program to the landlord terminate.

(11) OHCS will review applications and make awards of HCLGP assistance for qualifying applications within 45 days of its receipt of all required information. OHCS may choose to require the submittal of additional or clarifying information. OHCS may reduce awards for depreciation, duplication, unreasonableness, lack of documentation, or for unallowable expenses.

(12) If a landlord obtained a small claims judgement from their local circuit court for any expenses claimed from the HCLGP, the landlord must file a satisfaction of judgment in the amount of any HCLGP assistance received from OHCS in the court from which the judgment against the tenant was obtained. A copy of this filed satisfaction must be delivered to OHCS within 30 days of the claimant's receipt of HCLGP assistance.

STATUTORY/OTHER AUTHORITY: ORS 456.555, ORS 456.378(5)

STATUTES/OTHER IMPLEMENTED: ORS 456.375-456.390, Chapter 57, 2021 Oregon Laws