



Landlord Guarantee Program (LGP) Guidelines

Program Description and Application Guidelines

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1st Edition

For additional information or clarification, please email LGP@homeforward.org

PROGRAM DESCRIPTION

A. Purpose

The purpose of the Landlord Guarantee Program (LGP) is to compensate residential landlords for eligible nonpayment that accrued during the “safe harbor” period established in Oregon Senate Bill 278 (2021). Under Senate Bill 278, if a residential tenant provides a landlord with documentation from the rent assistance provider (electronic mail, screenshot, other written or electronic documentation from rent assistance provider) that the tenant has applied for rental assistance, a landlord may not deliver a termination notice for nonpayment or initiate or continue an action for possession based on a termination notice for nonpayment for a “safe harbor” period of 60 days¹. The landlord may request reimbursement for the eligible nonpayment charges by the Landlord Guarantee Program.

B. Definitions

- 1) “Applicant” or “Landlord” - for purposes of these LGP Program Guidelines means the Property Owner and Property Owner’s Agents or assigns.
- 2) “Documentation” – includes electronic mail, a screenshot or other written or electronic documentation from a rent assistance provider verifying the submission of an application for rent assistance (Section 2(a) of Senate Bill 278).
- 3) “Dwelling unit” - means a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household. “Dwelling unit” regarding a person who rents a space for a manufactured dwelling or recreational vehicle or regarding a person who rents moorage space for a floating home as defined in ORS 830.700, but does not rent the home, means the space rented and not the manufactured dwelling, recreational vehicle or floating home itself.”
- 4) “Eligible non-payment balance”: The non-payment balance must have been accumulated as a result of the “safe harbor” period established by SB278. Under the bill, if a tenant provides the landlord with notification that they applied for rent assistance, the landlord may not deliver a termination notice for nonpayment; or initiate or continue an action for possession based on a termination notice for nonpayment for 60-days. The “safe harbor” protections are available to tenants if they give notice to their landlord between July 1, 2021 and

¹ Multnomah County ordinance 1296 extends the safe harbor period from 60 days to 90 days for tenants in Multnomah County. If the tenant has applied for emergency rent assistance and provided documentation, the landlord cannot serve a termination notice for nonpayment or engage in an eviction court cause for a 90 day period. However, the Landlord Guarantee Program only covers nonpayment that accrues within 60 days of the landlord receiving notification from the tenant that they applied for rent assistance. This program does not cover the additional 30 days of “safe harbor” required in Multnomah County, it only covers 60 days.

Feb 28, 2022². Therefore, the 60-day period for eligible nonpayment to accrue must commence between July 1, 2021 and Feb 28, 2022. Finally, if a tenant voluntarily moves out during the “Safe harbor” period, the eligible nonpayment balance is the nonpayment balance that accrued between the date the tenant gave their landlord documentation of their application for rent assistance and the tenant’s move out date.

- 5) “Non-payment”- As defined by Section 2(1)(b) of Senate Bill 278 means the nonpayment of a payment that is due to a landlord, including a payment of rent, late charges, utility or service charges or any other charge or fee as described in the rental agreement or ORS 90.140, 90.302, 90.315, 90.392, 90.394, 90.560 to 90.584 or 90.630.
- 6) “Program Administrator” – Home Forward
- 7) “Property Owner” - means the legal owner, lessor, or sublessor of the residential dwelling unit(s) or the building or premises of which the dwelling unit(s) is part. Property Owners include individuals, partnerships, or an ownership group with legalrights to enter into agreements and make decisions for the property.
- 8) “Property Owner’s Agent” - means a licensed property manager or other person who has oral or written contractual authority to act for or on behalf of the Property Owner in the business in which it is engaged.
- 9) “Safe harbor” – This term refers to the 60-day period that landlords must delay delivering a termination notice for nonpayment or initiating or continuing an action for possession based on a termination notice for nonpayment after received documentation from their tenant that the tenant has applied for rent assistance under Section 2 of Senate Bill 278.
- 10) “Tenant” – As defined by ORS 90-100 (47).
- 11) “Written notification”- means notification by the Program Administrator via email to the address listed on the application. The applicant may choose to have communication by mail, if submitting a paper application.

C. Eligibility

(1) Property Eligibility

All residential Landlords with rental agreements renting Dwelling Units to residential tenants covered by ORS 90 in the State of Oregon are eligible for LGP funding. This includes but may not belimited to the following residential homes with rental agreements:

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- a. Rental houses or apartments;
- b. Manufactured homes, whether in a manufactured home park or not;
- c. Manufactured home lot rent;
- d. Some recreational vehicles;
- e. Houseboats; and
- f. Any other housing considered to be a Dwelling Unit as defined by ORS 90.100(12) and covered by Chapter 90.

(2) Landlord eligibility

Landlords are eligible for the Landlord Guarantee Program if they:

- a. Delayed delivering a termination notice or initiating or continuing an action for possession based on a termination notice for nonpayment pursuant to Section 2 of SB278; and
- b. Received documentation from their tenant initiating the 'safe harbor' period between July 1, 2021 and March 1, 2022; and
- c. Nonpayment accrued, and
- d. The tenant's application for rent assistance was denied or sixty days have passed since the tenant provided documentation of application for rent assistance without the landlord receiving rental assistance.

(3) Eligible nonpayment

- a. If 60 days have passed since the tenant provided documentation from the rent assistance provider of application for rent assistance without the landlord receiving rental assistance, the eligible nonpayment balance is nonpayment that accrued between the date that the tenant provided the landlord with documentation that the tenant applied for rent assistance and the 60th day; or
- b. If the tenant's application for rent assistance was denied, the eligible nonpayment balance is nonpayment that accrued between the date the tenant provided the landlord with documentation that the tenant applied for rent assistance and the sooner of:
 - The date the landlord submits the application to the Landlord Guarantee Program; or
 - The day the tenant's 'safe harbor' ends.
- c. If the tenant moved out of the unit during the 60-day 'safe harbor' period, the eligible nonpayment balance is nonpayment that accrued between the date the tenant provided the landlord with documentation from the rent assistance provider that the tenant applied for rent assistance and the date of the tenant's move out.

APPLICATION GUIDELINES

A. Application Materials

As part of their application, Landlords will be required to provide the following:

- (1) Completed LGP Application,
- (2) IRS form W-9 for the Applicant,
- (3) Copy of documentation from rent assistance provided by the tenant to the landlord. This can include e-mail, copy of a screenshot, or other written or electronic documentation from a rent assistance provider that is given to the landlord by the tenant and verifies the submission of an application for rent assistance, and
- (4) Copy of the property management agreement if property management company or property manager is applying on behalf of an owner. On a case by case basis, by request only, other forms of documentation of the manager's eligibility to received payments may be permitted.
- (5) The eligible nonpayment that accrued during the 'Safe harbor' period imposed by Senate Bill 278. Note: Applicants will be allowed to self-attest the non-payment balance but may be asked to supply tenant (rent) ledgers, leases containing fee charges, and/or other documentation to support the amounts in the application. Applicants will be required to attest that applications and amounts are true and correct under penalty of perjury.

B. Application Process

Application must be submitted through Home Forward's Landlord Guarantee Program website or a completed paper application must be sent to Home Forward by mail, electronic mail, or fax. Paper applications are available in English, Spanish, and Russian. Contact (503) 802-8532 or e-mail LGP@homeforward.org to receive a paper application. Requests for reasonable accommodation to access the application can be made via email to LGP@homeforward.org. Applicants will be required to agree to the program terms and agreements associated with the LGP program. Applicants are responsible to submit full and complete applications including providing complete and accurate application materials described in (A) under application guidelines.

Applicants should wait until the end of the tenant's "safe harbor" period before applying to the Landlord Guarantee Program to be eligible for compensation from the full nonpayment period. Applicants may not apply for nonpayment that has not happened yet, they may only apply for nonpayment that has actually accrued during the "safe harbor" period. For this reason, it is recommended that applicants wait until the end of the "safe harbor" period for each tenant and submit one application for the whole nonpayment period.

C. Award Process

Funding is available on a first-come, first-served basis. The Program Administrator will accept fully completed applications in the order that they are received.

- (1) Is the application eligible for funding? To be eligible the application must be complete, including all required supporting documents and signed certifications.
 - a. If the application is not complete it may be denied. Program Administrator reserves the right to do application follow up if only minor issues are discovered.

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Program Administrator may initiate a correction deadline if follow up is appropriate. Funding is available on a first-come first, served basis and applications will not be date-stamped as approved until any application issues and discrepancies have been fully resolved.

- b. If application is denied due to the application being incomplete, the applicant may re-apply.
 - c. If application is denied because it does not meet the applicable criteria, no LGP funding will be awarded. The applicant will receive written notification the denial.
- (2) Once a LGP application has been approved, the Program Administrator will provide written notification to the applicant of the award.
 - (3) The Program Administrator will issue payment. Payments will be made by a paper check by mail. However, if the vendor is currently working with Home Forward the applicant will receive the LGP payment in a manner consistent with their other Home Forward payments.
 - (4) The Program Administrator will issue written notification to the tenant of the LGP award and debts relieved through this program.

D. Oversight, Program Integrity & Penalties

- (1) Landlords that receive duplicate payments of LGP covered non-payment balances have 45 days to return the excess payment to the Program Administrator via mail to Home Forward, Attn: Landlord Guarantee Program, 135 SW Ash Street, Portland OR 97204.
- (2) Program Administrator may conduct a duplication of benefits check to verify that the applicant did not accept duplicate payments for the same months nonpayment balance from Landlord Guarantee Program or any other source of rent assistance.
- (3) Program Administrator may conduct audits of Applicants or individual applications to verify application information provided was accurate, Landlords did not receive duplicate funds and to generally assure program integrity. Applicants will sign agreements during the application process allowing for these reviews.
- (4) Any entity or individual receiving benefits found to have intentionally provided inaccurate or misleading information may be subject to penalties as determined applicable by the State of Oregon, including its Oregon Program Administrator of Justice, including but not limited to repayment of public funds and all available liabilities and penalties provided by the Oregon False Claims Act (ORS 180.750 to 180.785).

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