

Questions and Answers from June 27th, 2018 Housing Alliance Learn at Lunch on HB 2578 outlawing discrimination based on a renters source of income.

Q: So, as a non-profit housing provider, we can also access the mitigation fund as long as we are accepting a subsidy on that property?

Commerce Answer: Yes, only Housing Authorities are not eligible to make claims.

Q: Can the mitigation fund be used for damages accrued prior to the implementation of this law, and will mitigation \$ be available to landlords that rented to Section 8 tenants before June 6, 2018?

Commerce Answer: The mitigation portion of the law took effect June 7, 2018. Commerce has not made decisions yet on when we can begin paying claims. Revenue available in the fund will factor into the program's start date.

Q: Is there a proscribed move in report?

Commerce Answer: Not yet, but Commerce would be happy to help distribute one in the future.

Housing Alliance: You can find a sample checklist on the Housing Alliance's website: www.wliha.org.

Q: Is the \$5k benefit per tenancy a max total to include reimbursement for repairs before tenancy, vacancy loss and damage claims?

Commerce Answer: Great question! Commerce has not determined that yet.

Q: Commerce surprise visit to see if repairs actually made - is this something they can do even if there is a new occupant?

Commerce Answer: Commerce would need permission to enter and inspect a unit.

Q: Are there details available for low income renters to provide to potential landlords on the benefits of the landlord mitigation fund and how to access it?

Commerce Answer: Not yet, but Commerce plans on developing and distributing those resources.

Q: What's to stop landlords from requiring 3-4 times the amount of rent in income?

Commerce Answer: Landlords can set rents based on what the market can pay. Some public rent assistance programs can pay up to 120 percent of Fair Market Rents, and more with permission of the program manager.

Q: Can nonprofits access fund on units they master lease? Can it be used after tenant moves in and damages incurred during lease term?

Commerce Answer: That is likely, as long as a qualifying program is paying rent. But Housing Authorities are not eligible to make claims.

Q: What is the best approach when landlords state they do not accept section 8 vouchers or another form of rental subsidy? Is there a clear handout from the state that can be provided for educational purposes?

Commerce Answer: Commerce is not the lead on enforcement of the first part of the bill. We will coordinate with the AG and others on enforcement referrals and education.

Housing Alliance: We will be partnering with Northwest Justice Project to develop materials for tenants. We anticipate that these will be available near the time that the protection goes into effect (September 30th).

Q: Is there enforcement of the landlord who may report wrongly to credit reporting agencies that the tenant owes \$ even though they don't either due to the landlord accessing mitigation funding or other reasons?

Commerce Answer: Commerce is not the lead on enforcement of the first part of the bill. We will coordinate with the AG and others on enforcement referrals and education.

Q: On discrimination issue, are HARPS funds included?

Housing Alliance: The new law would protect People with HARPS funded rental subsidies, and landlords renting to tenants using rental subsidies are eligible for the mitigation fund reimbursements.

Q: It was mentioned about making efforts to educate tenants on their rights around this new law. What is being done to educate private landlords out there about these changes?

Commerce Answer: Commerce and DSHS and other state agencies are planning outreach and technical assistance targeted to landlords related to both parts of the law. Commerce hopes to do this for housing providers and tenants – and reach out to landlords through their trade associations, conferences and other methods.

Housing Alliance: We have already attended a Fair Housing Conference to educate landlords and property managers on the new law, and are happy to do more of this.

The following answers are from Kate Budd the Executive Director of Vancouver based Council for the Homeless. Vancouver has had an income calculator as part of their anti-discrimination law for several years, so she's offered tips for people supporting tenants.

Q: In regards to tenant income qualification - I'm sure you are aware that Section 8 vouchers do not have an exact value, but rather the maximum subsidy and total tenant payment is based on income and specific unit information (rent, utilities, etc.) How do you recommend this be addressed when applicants cannot guarantee a fixed subsidy dollar amount when initially engaging with a landlord?

Answer: Staff try to provide a ballpark figure based on FMR. Also the housing authority has paperwork that they can give to housing program staff who can put in the correct numbers and get pretty close to the exact subsidy.

Q: Another question about income qualifying that has come up locally is what about when the rental assistance program is short-term. For example

program rules require a 12 month lease, but rental assistance will only last 6 months? Can this be a consideration when tenants are being screened?

Answer: It can be a consideration, though program & client advocacy can go a long way to convincing a landlord.

Q: I have a question about rapid rehousing. How will landlords incorporate source of income if clients are receiving rapid rehousing services since the amount we provide can vary month to month, or stop at the request of the client.

Answer: It's up to the landlord on how they interpret. Some will just consider the first payment and others won't flex criteria at all. Again program and client advocacy is key.

Q: I had a property management company ask me to provide them the calculations for the HEN rental subsidy, but it cancels out as we pay rent in full. So they requested me to provide a letter explaining how the client will sustain themselves other than rent. Are they allowed to request that?

Answer: Yes, interestingly even our housing authority properties will do that when a household has no income. LIHEAP, food boxes, under the table work, panhandling, collecting cans are all legitimate ways for clients to sustain themselves. We have had some success with being creative with these examples.