



## Landlord Mitigation Program

### Questions & Answers

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Topic	Question	Answer
Location Eligibility	"I've reviewed the list of locations on your website and I did not see Tacoma, does that mean our properties would not qualify for this Program?"	<b>Yes.</b> However, if a landlord can produce evidence that a jurisdiction not listed has in fact enacted a law preventing source-of-income based discrimination, Commerce will add that jurisdiction to the eligible list.
Owner Eligibility	"Are non-profit owners who receive [Commerce] funding and other development subsidies eligible for this program?"	<b>Yes.</b> The availability of program funds pertains to the housing <i>unit</i> , not to the <i>landlord</i> . Nonprofit landlords are not excluded <i>per se</i> from accessing program funds. See Unit Eligibility below.
Unit Eligibility	Is HEN voucher landlord eligible for Landlord Mitigation Program under the HUD Housing Choice Program?	<b>No.</b> Per Section 1010 of <a href="#">ESHB 2380, Chapter 35, Laws of 2016</a> , moneys are provided "solely for landlord mitigation...to private market units renting to housing choice voucher holders." Commerce interprets this as restricting the funds to <i>only</i> units previously occupied by holders of one of the types of voucher provided by the Federal Department of Housing and Urban Development's Housing Choice Voucher Program. Damages caused by residents utilizing State program vouchers, as in the case of those provided by the HEN program, are not reimbursable

Unit Eligibility	“...we have a variety of housing types, including some income restricted units that do not come with a rent subsidy and are open to the public. I’d like to confirm these units will qualify for this mitigation fund.”	<p><b>No.</b> Per Section 1010 of <a href="#">ESHB 2380, Chapter 35, Laws of 2016</a>: “... the appropriation is provided solely for landlord mitigation for the cost of damages that may be caused to <u>private market units</u> renting to housing choice voucher holders.” (emphasis added)</p> <p>Commerce’s interpretation of “private market” applies both to the question of subsidy (in the case of project-based subsidy) <i>and</i> to the question of contractual restrictions. Therefore, even if not receiving subsidy, units covered by the following are excluded from eligibility:</p> <ul style="list-style-type: none"> <li>• Regulatory Agreement</li> <li>• Covenant of Affordability</li> <li>• Affordability Restriction</li> </ul>
Judgement	“...the requirement to have a court judgment limits the usability for [my organization]. ... To obtain a court judgment adds cost to [my organization] for legal expenses.”	Commerce understands that requiring a judgement adds cost, among other potential difficulties. However, <b>the obtaining of a judgement is a legislative requirement.</b>
Judgement	“From my understanding, unlawful detainers (eviction) judgments don’t list the delinquent amount...”	It is true that Unlawful Detainers (writs of restitution) do not list delinquent amounts. Their purpose is specifically to provide authority for the listed law enforcement agency to carry out an eviction. No specific assignment of damages to the landlord is made by an Unlawful Detainer (writ of restitution); hence it is insufficient for the purposes of the Landlord Mitigation Program. <b>Commerce cannot issue reimbursement to any costs not specifically covered by a judgement issued by a court.</b>
Judgement	Can Commerce provide reimbursement for cleanup costs in the case of a resident who died in their unit?	Again, <b>Commerce cannot issue reimbursement to any costs not specifically covered by a judgement issued by a court.</b> While such cleanup costs are not ineligible, they must be supported by a judgement, such as against the estate of the deceased.