



Landlord Mitigation Program

Questions & Answers

Originally Published: 11/10/2016

Most Recently Updated 12/12/2016

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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?"	Yes. 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?"	Yes. 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?	No. Per Section 1010 of ESHB 2380, Chapter 35, Laws of 2016 , 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	<p>“...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>	<p>No. Per Section 1010 of ESHB 2380, Chapter 35, Laws of 2016: “... 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"> • Regulatory Agreement • Covenant of Affordability • Affordability Restriction
Judgement	<p>“...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.”</p>	<p>Commerce understands that requiring a judgement adds cost, among other potential difficulties. However, the obtaining of a judgement is a legislative requirement.</p>