



Portland Housing Bureau

Mayor Ted Wheeler • Director Shannon Callahan

Mandatory Renter Relocation Assistance Documentation Guidance

Exemption 3: “Tenants that occupy one Dwelling Unit in a Duplex where the Landlord's Principal Residence is the second Dwelling Unit in the same Duplex.”

What must be demonstrated:

The Landlord's Principal Residence is currently the second Dwelling Unit in the same Duplex. (The Landlord must self-certify that the Dwelling Unit has been his/her principle residence for the six months prior to triggering Relocation Assistance.)

Documentation that conclusively demonstrates this stipulation for exemption includes all the following:

- Dated no more than 90 days prior to application
- Includes the Landlord's first and last name
- Addressed to the Landlord at the address of *Landlord's Dwelling Unit*. (Existence of a duplex at that address must be independently verifiable by means of public records. The address for the Dwelling Unit for which Exemption is being requested must be in the same duplex, as independently verified via public record, as the Landlord's address.)
- Demonstrates that Landlord physically resides at that address, as opposed to owning or managing the property.
 - Documentation should *not* be related to ownership and/or management of the duplex (i.e., homeowner's insurance policy, property tax, mortgage statement or utilities at the rented Dwelling Unit.)
 - Examples of documents that demonstrate Principle Residence (as opposed to ownership/management) include, but are not limited to, the following: Internet Service Provider (ISP), cable or satellite bill; document from an employer; correspondences from a school or healthcare provider; document related to insurance *other than homeowners insurance*; tax bill *other than property tax* (we cannot accept self-prepared income tax filing forms), communications from a financial institution *other than a mortgage on the rented Dwelling Unit*.

Exemption 4: “Tenants that occupy an Accessory Dwelling Unit that is subject to the Act in the City of Portland so long as the owner of the Accessory Dwelling Unit lives on the site.”

What must be demonstrated: *The Landlord's Principal Residence is currently on the same site as the Dwelling Unit for which Exemption is being requested. (The Landlord must self-certify that the Dwelling Unit has been his/her principle residence for the six months prior to triggering Relocation Assistance.)*

Documentation that conclusively demonstrates this stipulation for exemption includes all the following:

- Dated no more than 90 days prior to application
- Includes the Landlord's first and last name
- Addressed to the Landlord at the address of the *main Dwelling Unit* on the same building site as the ADU for which Exemption is requested.
(Existence of an ADU at that address must be independently verifiable by means of public records.)

The address for the Dwelling Unit for which Exemption is being requested must be on the same building site, as independently verified via public record, as the Landlord's address.)

- Demonstrates that Landlord physically resides at that address, as opposed to owning or managing the property.
 - Documentation should *not* be related to ownership and/or management of the duplex (i.e., homeowner's insurance policy, property tax, mortgage statement or utilities at the rented Dwelling Unit.)
 - Examples of documents that demonstrate Principle Residence (as opposed to ownership/management) include, but are not limited to, the following: Internet Service Provider (ISP), cable or satellite bill; document from an employer; correspondences from a school or healthcare provider; document related to insurance *other than homeowners insurance*; tax bill *other than property tax* (we cannot accept self-prepared income tax filing forms), communications from a financial institution *other than a mortgage on the rented Dwelling Unit*.

Exemption 5: A Landlord that temporarily rents out the Landlord's Principal Residence during the Landlord's absence of not more than 3 years.

What must be demonstrated:

*The Dwelling Unit for which Exemption is being requested was the Landlord's Principle Residence not more 3 years before the date of application. **NOTE:** Landlord's absence from the Dwelling Unit cannot be more than 3 years, as measured from the date the Landlord moved out to the date the Landlord moves back in, inclusive of the minimum 90 day notification period required for no-cause termination or non-renewal of lease.*

Documentation that conclusively demonstrates this stipulation for exemption includes all the following:

- Addressed to the Landlord (first and last name) at the address of the Dwelling Unit for which Exemption is being requested
- Dated in the date range *between three years before the date of application and the date indicated in the application* that the Landlord last lived in the Dwelling Unit*.
 - Documents dated after the indicated last date of occupancy of the Dwelling Unit by the Landlord do not conclusively demonstrate that the Dwelling Unit was the Landlord's principle residence during the eligible timeframe.
- Demonstrates that Landlord physically resides at that address, as opposed to owning or managing the property.
 - Documentation should *not* be related to ownership and/or management of the duplex (i.e., homeowner's insurance policy, property tax, mortgage statement or utilities at the rented Dwelling Unit.)
 - Examples of documents that demonstrate Principle Residence (as opposed to ownership/management) include, but are not limited to, the following: Internet Service Provider (ISP), cable or satellite bill; document from an employer; correspondences from a school or healthcare provider; document related to insurance *other than homeowners insurance*; tax bill *other than property tax* (we cannot accept self-prepared income tax filing forms), communications from a financial institution *other than a mortgage on the rented Dwelling Unit*.

*If the Exemption is to be applied to a new Rental Agreement not yet existing and the last day of occupancy of the Dwelling Unit by the Landlord is in the future as indicated on the application, the eligible dates can be adjusted to represent the Landlord's absence from the Dwelling Unit of not more than 3 years, as measured from occupancy to occupancy, inclusive of required notification periods.

When a Dwelling Unit is owned by a trust, and the Landlord is a named beneficiary (as opposed to a grantor/settler or a trustee/manager) of the trust that owns the Dwelling Unit, the Landlord can apply but must provide documentation that conclusively demonstrates that the Landlord is a named beneficiary of the trust that owns the Dwelling Unit.

Documentation that conclusively demonstrates that the Landlord is a named beneficiary of the trust that owns the Dwelling Unit for which Exemption is requested includes all of the following:

- Dated prior to date of application
- True copy of a trust instrument *or* was prepared by the same professional legal, financial or estate advisor who prepared the trust instrument and whose name and title appear in the document.
- Specifically names the trust.
- Specifically and explicitly names the Landlord as a beneficiary of the trust.

Exemption 6: A Landlord that temporarily rents out the Landlord's Principal Residence during the Landlord's absence due to active duty military service.

What must be demonstrated:

The Dwelling Unit for which Exemption is being requested was the Landlord's Principle Residence immediately prior to the Landlord's absence due to active duty military service.

Documentation that conclusively demonstrates this stipulation for exemption includes all the following:

- Addressed to the Landlord (first and last name) at the address of the Dwelling Unit for which Exemption is being requested.
- Dated prior to the date indicated in the application that the Landlord last lived in the Dwelling Unit.
 - If the Rental Agreement for which Exemption is being requested is not yet existing, and the date indicated on the application that the Landlord last lived in the Dwelling Unit is in the future, the documentation cannot be more than 90 days old.
- Demonstrates that Landlord physically resides at that address, as opposed to owning or managing the property.
 - Documentation should *not* be related to ownership and/or management of the duplex (i.e., homeowner's insurance policy, property tax, mortgage statement or utilities at the rented Dwelling Unit.)
 - Examples of documents that demonstrate Principle Residence (as opposed to ownership/management) include, but are not limited to, the following: Internet Service Provider (ISP), cable or satellite bill; document from an employer; correspondences from a school or healthcare provider; document related to insurance *other than homeowners insurance*; tax bill *other than property tax* (we cannot accept self-prepared income tax filing forms), communications from a financial institution *other than a mortgage on the rented Dwelling Unit*.

Exemption 12: A Dwelling Unit where the Landlord has provided a fixed term tenancy and notified the Tenant prior to occupancy of the Landlord's intent to sell or permanently convert Dwelling Unit to a use other than as a Dwelling Unit subject to the Act.

NOTE: *The Landlord must provide the Tenant with a copy of the Acknowledgment Letter before entering into a Rental Agreement. This means that the Landlord will need to meet with the prospective Tenant to provide and document the Notice of Intent described below. The Landlord must then meet with the prospective Tenant a second time, after having used the Notice of Intent to apply for*

Exemption, to provide the prospective Tenant with a copy of the Acknowledgment Letter before entering into a Rental Agreement.

What must be demonstrated:

Prospective Tenants of the Dwelling Unit were notified in writing, prior to entering into a Rental Agreement, that the Rental Agreement being offered is a non-renewable fixed-term tenancy and that at the end of the rental term the Dwelling Unit will be sold or permanently converted to a use other than a Dwelling Unit subject to the Residential Landlord and Tenant Act with the intended use specified within the notice. The written notice must explicitly state if the intent is to sell or if the intent is to convert, not both or either.

Documentation that conclusively demonstrates this stipulation for exemption includes all the following:

- Date the notice of intent was provided to the prospective Tenant (this date must be prior to the date the Rental Agreement is set to begin).
- Address of the Dwelling Unit included in such a notice.
- The name(s) of the prospective Tenant(s), along with the prospective Tenant's signature, initials or other visual indication that conclusively demonstrates that the prospective Tenant has received and acknowledged the notice.
- Includes beginning and end dates of the fixed term Rental Agreement that's being offered (cannot be before the date of the notice of intent).
- Language in the notice that unambiguously notifies the prospective Tenant that the Rental Agreement being offered is for a fixed term that will not be renewed at the end of the term because (choose *only one* of the two options):
 - The Owner is selling the Dwelling Unit.

OR

- The Dwelling Unit will be permanently converted to a use other than a Dwelling Unit subject to the Landlord/Tenant Act (other than a rented residential Dwelling Unit). The notice *must specify* the intended use.

Additional documentation that may be requested:

- When a Landlord requests to change an answer or selection in a previously-submitted application, and the change impacts the Landlord's eligibility for the Exemption, the Landlord may be asked to provide additional documentation to validate the information that is to be changed.
- When ownership of a Dwelling Unit cannot be independently verified through public records, the Landlord may be asked to provide additional documentation to demonstrate ownership.
- When a Landlord of a Dwelling Unit is a lessee of the owner, and is sub-lessor to a Tenant, documentation that conclusively demonstrates that the owner of the property has authorized the lessee to sub-let the Dwelling Unit may be required.
- When a Dwelling Unit is described in the application as a duplex or an ADU, and the existence of a duplex or ADU at the address provided cannot be independently verified through public records, the Landlord may be asked to provide additional documentation to demonstrate the existence of the structure type to which the Exemption applies at the address provided.
- When a Landlord applied for Exemption 6 selects "no" to the certification question "I am an active duty military service member", the Landlord may be asked to provide documentation that demonstrates either a spouse's current active duty military service or their own or their spouse's recent discharge from active duty military service.