



# Portland Housing Bureau

## Rental Services Office

Commissioner Dan Ryan • Interim Director Molly Rogers

1900 SW 4th Avenue, Suite 7007 • Portland, OR 97201

PHONE 503-823-1303 • FAX 503-865-3260

RentalServices@PortlandOregon.gov

Portland.gov/RSO

### Rental Services Helpdesk Hours

MON, WED, FRI 9–11 am 1–4 pm

## RELOCATION EXEMPTION APPLICATION (REA) FORM

**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 the Dwelling Unit to a use other than as a Dwelling Unit subject to the Act.”

*General instructions for completing the Relocation Exemption Application (REA) Form to claim Exemption from the obligation to pay city Relocation Assistance as specified in Portland City Code 30.01.085.*

- Please print clearly and complete all sections of this form. All fields require a response (please use n/a to indicate not applicable). We cannot process illegible or incomplete REA Forms.
- This form is designed to be completed and signed by the legal Owner(s) of the Dwelling Unit where exemption from the obligation to pay city Relocation Assistance is claimed. If someone other than the Owner/Landlord is completing this form on behalf of the Owner/Landlord, documentation that conclusively demonstrates that the person completing the REA Form is authorized by the Owner/Landlord of the Dwelling Unit to certify facts and make legally binding statements on behalf of the Owner/Landlord must accompany this form.
- The Administrative Rules referenced in each REA Form identify stipulations with which a Landlord must comply in order to claim the exemption. If a Landlord fails to fully comply with each and all applicable stipulations, the Landlord’s claim of exemption is invalid.
- Supporting documentation is required for most exemptions. If supporting documentation is required, please review the Documentation Guidance and submit documentation that complies with the guidance, along with your signed and dated REA Form. REA Forms that do not include documentation, where documentation is required, are incomplete and cannot be processed.
- If you need assistance completing the REA Form, staff are available during the following hours, except on holidays, to provide technical assistance. Please be advised that the materials and information available through the Rental Services Office are for information purposes only. *Our staff cannot provide legal advice.*

**Phone: (503) 823-1303**

### **Rental Services Office Helpline Hours**

Monday	9 - 11 AM, 1 - 4 PM
Wednesday	9 - 11 AM, 1 - 4 PM
Friday	9 - 11 AM, 1 - 4 PM



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## RELOCATION EXEMPTION APPLICATION (REA) FORM 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 to permanently convert the Dwelling Unit to a use other than as a Dwelling Unit subject to the Act.”*

### The following Administrative Rules and Process apply to Exemption 12:

- The Landlord must submit the required REA form to PHB.
- The Landlord must receive an Acknowledgment Letter issued by PHB.
- For Rental Agreements with lease dates on or before December 14, 2020, the Landlord must provide to the Tenant written notice prior to occupancy of the Landlord’s intent to sell or to permanently convert the Dwelling Unit to a use other than as a Dwelling Unit subject to the Act.
- For Rental Agreements with lease dates beginning after December 14, 2020, the Landlord must provide a copy of all pages of the Acknowledgment Letter issued by PHB to the Tenant prior to the Tenant entering into a Rental Agreement for the exempted Dwelling Unit.
- In addition to providing a copy of the Acknowledgment Letter, as described above, the Landlord must provide a copy of all pages of the Acknowledgment Letter issued by PHB to the Tenant including a description of a Tenant’s Rights and Obligations prior to issuance of a Termination Notice.
- This exemption only applies upon issuance of a Termination Notice for a Fixed Term Tenancy or for a month-to-month tenancy that converted from a Fixed Term Tenancy upon expiration of the term. It cannot be used for a month-to-month rental agreement that did not begin as a fixed-term lease.
- This exemption only applies to a new Fixed Term Tenancy where a Tenant does not currently occupy the Dwelling Unit. It does not apply to Rental Agreement renewals or replacements.
- A Landlord must list for sale or permanently convert the Dwelling Unit to a use other than a Dwelling Unit subject to the Act within 60 days of the Tenant moving out.
- The Owner(s) of the Dwelling Unit shall not receive an Acknowledgment Letter for this exemption more than once and is permanently ineligible to apply any other exemption to the same Dwelling Unit.
- This exemption will expire 24-months after an Acknowledgment Letter is issued.



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## STEP ONE: DOCUMENTATION GUIDANCE

### This exemption may require supporting documentation

*What must be demonstrated:* For Rental Agreements that began on or before December 14, 2020, Tenants of the Dwelling Unit were notified, in writing, before the Tenant agreed to rent the Dwelling Unit, that:

- (1) The Rental Agreement would be for a fixed term AND
- (2) That the Dwelling Unit would not be available to rent after the term expires because:
  - (a) the Landlord intends to sell the Dwelling Unit
  - OR
  - (b) the Landlord intends to permanently convert the Dwelling Unit to a use other than a residential rental subject to ORS 90.

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

- Document shows the address of the exempted Dwelling Unit.
- Includes beginning and end dates of the fixed term Rental Agreement that was being offered.
- Document is dated, and date is prior to the date the Tenant signed the Rental Agreement and/or moved into the Dwelling Unit.
- Document shows the name(s) of the prospective Tenant(s) who were so notified, along with the Tenant’s signature, initials or other visual indication that conclusively demonstrates that the Tenant received and acknowledged the notice. Document contains language that clearly and unambiguously notifies the then-prospective Tenant that the Rental Agreement being offered is for a fixed term only and that it 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 residential rental subject to ORS 90. *The notice must specify the intended use.*

## STEP TWO: LANDLORD INFORMATION

### 1. Who is the Owner/Landlord of the Dwelling Unit?

*Note: Acknowledgment Letters are issued in the legal property Owner(s) name(s)*

NAME:					
MAILING ADDRESS:				UNIT:	
CITY:		STATE:		ZIP:	
PHONE:		EMAIL:			



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### STEP THREE: DWELLING UNIT INFORMATION

#### 2. Which of the following best describes the ownership the Dwelling Unit?

- A Natural Person (a human being as opposed to an entity created by an operation of law).
- The Dwelling Unit is owned by a Trust and the Landlord is a settlor/grantor or a named beneficiary (as opposed to a trustee) of the trust that owns the Dwelling Unit.
- A business entity and the Landlord is the owner/principal member the business that owns the Dwelling Unit.

#### 3. What is the street address of the Dwelling Unit for which you are claiming exemption?

DWELLING UNIT ADDRESS:		UNIT:	
CITY:		STATE:	ZIP:

### STEP FOUR: RENTAL AGREEMENT INFORMATION

#### 4. The exemption will be applied to: (check one)

- A future tenancy/Rental Agreement with a Tenant who does not currently live in the Dwelling Unit.
- An existing tenancy/Rental Agreement where the Tenant already lives in the unit, including renewal or replacement of a previous lease or Rental Agreement.

#### 5. When did the tenancy/Rental Agreement *originally* begin?

- This is for a future Tenancy/Rental Agreement that has not started yet.
- This is for an existing Tenancy/Rental Agreement that *began on or before December 14, 2020*.
- This is for an existing Tenancy/Rental Agreement that *began after December 14, 2020*.

#### 6. What is/will be the beginning date of the fixed term?

Note: For future Rental Agreements, provide expected start date.

\_\_\_\_\_ (Format: MM/DD/YYYY)



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#### 7. What is/will be the end date of the fixed term?

\_\_\_\_\_ (Format: MM/DD/YYYY)

#### 8. Which of the following describes the Landlord's intended purpose for the Dwelling Unit after the expiration of the fixed term?

- The Dwelling Unit will be sold
- The Dwelling Unit will be **permanently** converted to a use other than a Dwelling Unit subject to the Act (a use other than a residential rental)

#### 9. A response to this question is **required** if you selected "The Dwelling Unit will be permanently converted to a use other than a Dwelling Unit subject to the Act (a use other than a residential rental)" in response to Question 8.

#### What use will the Dwelling Unit be permanently converted to?

\_\_\_\_\_

### STEP FIVE: CERTIFICATIONS & ACKNOWLEDGEMENTS

Note: This REA Form is not complete unless ALL sections of the form are completed, the certifications and acknowledgment statements below are certified/acknowledged, the form is signed and dated, and any required documentation is attached.

1. I acknowledge that this exemption becomes effective upon issuance of a Termination Notice, as defined in the Administrative Rules, for a Fixed Term Tenancy, or for a month-to-month tenancy that converted from a Fixed Term Tenancy upon expiration of the fixed term, and that it cannot be applied to month-to-month Rental Agreement that did not originate as a fixed-term lease.

- I so acknowledge
- I do not acknowledge

2. I acknowledge that this exemption is effective only when city Relocation Assistance is triggered by issuance of a Termination Notice, as defined in the Administrative Rules. It is not effective when city Relocation Assistance is triggered by Rent increase(s) or by substantial changes to the terms of the Rental Agreement.

- I so acknowledge
- I do not acknowledge



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3. I acknowledge that, as a stipulation of this exemption, the Landlord must sell the Dwelling Unit, or must **permanently** convert it to a use other than as a Dwelling Unit subject to the Act, within 60 days of the Tenant moving out.

- I so acknowledge
- I do not so acknowledge

4. I acknowledge that use of this exemption permanently prevents the Dwelling Unit from being eligible for any other exemption requested by the same Landlord.

- I so acknowledge
- I do not so acknowledge

5. I acknowledge that exemption from obligation to pay city Relocation Assistance as required under PCC 30.01.085 does not extend to the notification requirements of that same section of City Code, nor does it exempt a Landlord from the limitations and obligations of any other applicable local, state or federal law. I understand that acknowledgment of my claim of exemption is not authorization for any action or inaction that is inconsistent with all applicable laws and that I must fully comply with each and every stipulation associated with this exemption.

- I so acknowledge
- I do not so acknowledge

6. I hereby certify that all information provided by me in the REA Form and/or provided in supporting documentation is current, true and complete to the best of my knowledge. I understand that I must inform the Portland Housing Bureau immediately and in writing of any changes. I understand that a Landlord that fails to comply with any of the requirements set forth in PCC 30.01.085 shall be liable to the Tenant for an amount up to 3 times the monthly Rent as well as actual damages, city Relocation Assistance, reasonable attorney fees and costs.

- I so certify
- I do not so certify

Signature: \_\_\_\_\_ Date: \_\_\_\_\_