



## RELOCATION EXEMPTION APPLICATION (REA) FORM

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

*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

**E-Mail: [RentalServices@portlandoregon.gov](mailto:RentalServices@portlandoregon.gov)**

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## RELOCATION EXEMPTION APPLICATION (REA) FORM 5:

*“A Landlord that temporarily rents out the Landlord's Principal Residence during the Landlord's absence of not more than 3 years.”*

### The following Administrative Rules and Process apply to Exemption 5:

- The Landlord must submit the required REA Form to the Portland Housing Bureau (PHB).
- The Landlord must receive an Acknowledgment Letter issued by PHB. An Acknowledgement Letter does not exempt a Landlord from complying with all relevant notice requirements.
- For Rental Agreements beginning after March 8, 2018, 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.
- In addition to providing a copy of the Acknowledgment Letter, as described above, the Landlord must provide a copy of all pages of the Acknowledgement Letter issued by PHB to the Tenant, including a description of a Tenant's Rights and Obligations prior to issuing a Termination Notice.
- This exemption only applies when the Owner(s) of the Dwelling Unit have ownership interest in 4 or fewer Dwelling Units, excluding the Owner(s) of the Dwelling Unit's Principal Residence.
- This exemption only applies if the Landlord is issuing a Termination Notice.
- The Owner(s) of the Dwelling Unit must be Natural Person(s) to claim this exemption.
- An Owner of the Dwelling Unit's absence is measured from the last date they maintained Principal Residence to the date they return to the Dwelling Unit.
- An Owner of the Dwelling Unit must move into the Dwelling Unit within 60 days of the Tenant moving out.
- The Dwelling Unit must become and remain the Principal Residence of an Owner of the Dwelling Unit for the 12-months after moving in or it must be sold.
- The Owner(s) of the Dwelling Unit shall not receive an Acknowledgement Letter for this exemption more than once every 36 months.

## STEP ONE: DOCUMENTATION GUIDANCE

**This exemption requires supporting documentation.**

*What must be demonstrated:* The Dwelling Unit for which exemption is being claimed was the Owner's Principal Residence not more two (2) years and nine (9) months before the date the REA Form is submitted.

*NOTE: Owner's absence from the Dwelling Unit cannot be more than 3 years, as measured from the date the Owner moved out of the Dwelling Unit to the date the Owner moves back in, inclusive of the required minimum 90-day termination notice period.*

Documentation provided must include all the following features:

- Document is addressed to the Owner (first and last name) at the address of the Dwelling Unit for which exemption is claimed.
- Document is dated and the document date is within 60 days of the date of the owner's last occupancy of the Dwelling Unit as their Principal Residence indicated in the REA form.
- Document conclusively demonstrates that the Owner personally resided at that address, as opposed to owning or managing the property, during the eligible date range.
  - **Examples of documents that demonstrate Principal Residence**, as opposed to ownership/management, include but are not limited to the following: documents from an Internet Service Provider (ISP) account, cable, and satellite bill; document from an employer, school, healthcare provider, insurance agency (unrelated to the property), a financial institution (unrelated to the property), or governmental entity (unrelated to the property).
  - Documents related to ownership or management of the dwelling unit, which **do not** conclusively demonstrate that the Owner *personally resides* at the dwelling unit, include: utility bills, property tax statements, homeowners/rental unit insurance, HOA fees, documents relating to financing of the dwelling unit, invoices for maintenance and repair of the Dwelling Unit, and similar items.

#### **Additional documentation is required when legal owner is a Trust.**

Exemption 5 requires that the Dwelling Unit be owned by a Natural Person (a human being as distinguished from a person that is an Organization created by operation of law.). When ownership of a property is held by a Trust, the grantor/settlor and the beneficiary of the Trust are Natural Person(s) if they are human beings. Relocation Assistance Rules, Section II(J).

*What must be demonstrated:* The Landlord is a grantor/settlor or a beneficiary of the Trust that owns a Dwelling Unit. Documentation that conclusively demonstrates that the Landlord is a grantor/settlor or beneficiary of the Trust that owns the Dwelling Unit for which exemption is requested includes all of the following:

- Document is dated prior to date of application.
- Document clearly identifies the Landlord, by name, as a grantor/settlor or a beneficiary.
- Document specifically names the Trust, and the name of the trust must match the name of the trust that is the legal owner of the Dwelling Unit.
- **Examples of documents that demonstrate that the Landlord is grantor/settlor or a beneficiary of the Trust that owns the Dwelling Unit** include a copy of the Trust instrument, or a related document prepared by the same professional legal, financial or estate advisor who prepared the Trust instrument and whose name and title appear in the document, so long as that document is dated prior to the date the REA is submitted and that it names the trust and clearly identified the Landlord, by name, as the grantor/settlor or a beneficiary of the Trust.

## STEP TWO: LANDLORD INFORMATION

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

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

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

### 2. On what date did/will the Owner last occupy the Dwelling Unit as their Principal Residence?

*Note: Principle Residence means the primary location a person inhabits. It is the Dwelling Unit that is physically occupied and personally used for overnight sleep more than any other Dwelling Unit during the period of time specified in each exemption. Moving f Moving furniture or personal belongings into a residence does not indicate Principal Residence. Relocation Assistance Rules, Section II(N).*

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

## STEP THREE: DWELLING UNIT INFORMATION

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

- ☐ The Dwelling Unit is owned by 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.

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

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

### 5. Which of the following best describes the size of the rental unit to which the exemption will be applied?

- ☐ Single Room Occupancy (SRO) or Studio
- ☐ One bedroom
- ☐ Two bedrooms
- ☐ Three or more bedrooms

## STEP FOUR: RENTAL AGREEMENT INFORMATION

**E-Mail: [RentalServices@portlandoregon.gov](mailto:RentalServices@portlandoregon.gov)**

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**6. This 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.

**7. 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 originally ***began on or before March 8, 2018.***
- ☐ This is for an existing tenancy/Rental Agreement that originally ***began after March 8, 2018.***

**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 hereby certify that the Owner(s) of this Dwelling Unit hold(s) an ownership interest in no more than four Dwelling Units, excluding the Owner(s) of the Dwelling Unit's Principal Residence.

- ☐ I so certify
- ☐ I do not so certify

2. I hereby certify that I have not received an Acknowledgment Letter for this exemption within the past 36 months.

- ☐ I so certify
- ☐ I do not so certify.

3. I understand that the Administrative Rules referenced in this REA Form identify specific stipulations with which I must fully comply in order to claim exemption, and that if I fail to comply with each and all applicable stipulations, my claim of exemption is invalid. I understand that issuance of an Acknowledgment Letter does not constitute authorization for any action or inaction that is inconsistent with any and all applicable rules and laws.

- ☐ I so acknowledge
- ☐ I do not so acknowledge

4. I acknowledge that this exemption applies only when city Relocation Assistance is or will be triggered by the termination of the Rental Agreement as described in PCC 30.01.085, and that it does not apply 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

5. I acknowledge that, as a stipulation of this exemption, I am required to move back into the Dwelling Unit within 60 days of the Tenant moving out.
- ☐ I so acknowledge  
☐ I do not so acknowledge
6. I acknowledge that, as a stipulation if this exemption, the Dwelling Unit must become and remain my Principal Residence for at least 12 months or it must be sold.
- ☐ I so acknowledge  
☐ I do not acknowledge
7. 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 rules and laws.
- ☐ I so acknowledge  
☐ I do not so acknowledge
8. 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: \_\_\_\_\_