



Landlord Risk Mitigation Funds

A Review of Current Practice for Potential Implementation

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Territorial acknowledgement

We recognize that the land on which we gather, work, learn and create is the traditional unceded territory of the Coast Salish People, specifically the QayQayt First Nation, the Esquimalt, Lekwungen and WSÁNEĆ people.

“Indigenous homelessness is a human condition that describes First Nations, Métis and Inuit individuals, families or communities lacking stable, permanent, appropriate housing, or the immediate prospect, means or ability to acquire such housing. Unlike the common colonialist definition of homelessness, Indigenous homelessness is not defined as lacking a structure of habitation; rather, it is more fully described and understood through a composite lens of Indigenous worldviews. These include: individuals, families and communities isolated from their relationships to land, water, place, family, kin, each other, animals, cultures, languages and identities. Importantly, Indigenous people experiencing these kinds of homelessness cannot culturally, spiritually, emotionally or physically reconnect with their Indigeneity or lost relationships.” (Canadian Observatory on Homelessness. 2012)

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Executive Summary

Ready to Rent BC Association and Aunt Leah's Place partnered on this project in 2018 with the financial support of the Vancouver Foundation's Fostering Change initiative. We built this landlord mitigation fund toolkit to introduce a new program option to agencies and advocates dedicated to removing barriers to housing. This guide is the outcome of focus groups, many interviews with existing fund operators and a thorough review of Canadian and American research.

Landlord mitigation funds are distinct from rental subsidies and rent banks, and are most successful when offered in combination with wrap-around housing support services, including tenant-education and landlord-outreach programs. Most risk mitigation funds rely on public sector programs earmarked for housing supports or homelessness. Some funds rely in whole or in part on donations and bequests from individuals, faith communities and private sector businesses including landlords.

In addition to removing barriers for people seeking rental housing, some related benefits include tenants and landlords becoming more diligent about written agreements and documentation of the move-in condition. We also learned that tenants become more confident and successful in finding housing, just knowing the program exists, even if they decide not to use it.

The tables below highlight common and variable program elements.

Common program elements

Financing for landlord mitigation funds usually comes from the public sector and community organizations in connection with existing housing support programs. In Canada, they come from the operating budgets of regional Housing First programs.

Eligibility criteria are specific to each fund. Funds are aligned to support specific housing goals or challenges, and typically cover only new, rather than existing tenancies. Many funds assist people who have been homeless. Funds are offered only where there is a written tenancy agreement and documentation of move-in condition. Many strongly encourage photos of move-in condition.

Services: Most time-limited funds cover at least the first year of tenancy and some offer coverage of 18 months or two years; terms long enough to establish a tenancy reference. Fund operators offer a single point of contact and quick response times which are separate from other supports for tenants. Risk mitigation funds are used as a tool to engage landlords or as part of a landlord engagement strategy.

Claims: Fund operators clearly define the claim process and payments available. The claims typically cover damage to the rental property and unpaid rent. Claims can be made only for expenses in excess of or not covered by security deposits or regional equivalents.

Tenants are not usually required to repay claims paid on their behalf by risk mitigation funds. Tenants do not hold or receive funds. The operator pays eligible claims to the landlord.

Variable program elements

Size: Funds vary in the size of funds available and the number of tenants that they can support. Some funds exist as a calculated part of annual operating budgets and others as a pool of funds from which claims are paid until the funds are exhausted.

Tenants receive variable amounts and lengths of coverage. A few funds offer lifetime support to a given tenant as long as they continue living in the service area. Several funds specifically state that coverage is one time only for a specific tenant.

Claims: The maximum claims allowed range from \$500 to \$10,000 with most in the \$1,000 to \$5,000 range. The majority of funds have a maximum amount for all combined eligible claims. A few funds have set limits for certain types of claims e.g., \$1,000 for arrears and \$3,000 for damages. We found some funds that would cover claims related to evictions and lost revenue due to vacancy following an eviction. Some funds will not pay out while a tenancy is still active. Some will pay claims during an active tenancy if it could help prevent homelessness.

Services: Some operators offer a listing service to landlords who have vacancies. Some require a pre-approval process. Others offer both listing and matching of tenants and landlords. Some put the forms in the hands of tenants to complete when applying for housing while others utilize the tenant's support worker. The application practice tends to mirror both the landlord engagement strategy used as well as the demographic and needs of tenants. Where rent subsidies or housing vouchers are used, additional processes can also be required.

Landlords in jurisdictions where security deposits are relatively low find mitigation funds more attractive.

A simple summary of claims paid by risk mitigation funds would read, "Payouts happen less often than you'd expect." The number of organizations and public sector bodies utilizing risk mitigation funds is rising. The next steps arising from what we have learned will be a small pilot project in 2019, followed by a larger demonstration project, both of which would be in BC. One outcome of these demonstrations is that policy makers in the public sector will drive Canada-wide implementation of landlord mitigation funds.

1. Introduction

1.1 How was the toolkit made?

The toolkit was made using information gleaned from literature review, interviews, consultations and focus groups.

Literature review

We conducted a review of literature, reports, websites and documents about risk mitigation funds. In particular, we drew heavily on a 2016 discussion paper prepared by University of Minnesota research intern Hattie Hiler for the Minnesota Housing Finance Agency. This report provides an in-depth review of risk mitigation funds operating in the United States and continues to be an excellent resource for any organization considering implementation of a risk mitigation fund. This and other sources are included in the reference section.

Interviews and consultations

We interviewed representatives from two risk mitigation funds: the City of Boston's Office of Housing Stability and RentWell in Portland, Oregon. Boston's fund has been in operation less than a year while RentWell has been operating since 2009. Like Ready to Rent, RentWell's use of tenant education was of particular interest to us. We also interviewed two Canadian Housing First organizations: the Winnipeg Rental Network and Pacifica Housing in Victoria, BC. Both organizations offer participating landlords compensation for certain claims above and beyond legislative requirements. While this approach differs somewhat from practice in the United States, they provide relevant Canadian context to consider. We did not come across examples outside of Canada and United States though we acknowledge there may be equivalent and relevant practice not identified in this toolkit.

We also spoke with several representatives from the Vancity Credit Union, the Vancity Community Foundation, Aunt Leah's Foundation and Jack Insurance Victoria about the technical, legal and financial considerations for operating a risk mitigation fund in Canada.

Private market landlords connected with the Friendly Landlord Network also provided insight into how a risk mitigation fund might increase housing opportunities for former youth in care.

Focus groups

We held two focus groups with youth from Aunt Leah's Place. Many of the youth attending had past and present involvement with the foster care system, homelessness and housing instability. The focus groups confirmed first and foremost that the youth saw great value in risk mitigation funds as a tool to increase access to housing. The youth gave detailed recommendations on what they felt were key factors to success, including the amount and length of coverage, the application process and the importance of tenant education. These focus groups provided valuable learning about how to structure a mitigation fund pilot project. The project is indebted to their enthusiastic participation.

1.2 Who is the toolkit for?

The toolkit is designed primarily for organizations that actively support people seeking housing and are seeking ways to engage landlords and increase housing options. The authors hope it also provides a useful reference for advocates, champions, allies, institutions, governments, foundations and others with the ability to influence and increase access to safe, affordable housing and housing stability for all people.

2. Background

In approaching this project, we wanted to understand how risk mitigation funds could complement Ready to Rent's RentSmart education model and, in the course of doing so, share what we learned with others through a toolkit. RentWell in Oregon has many similarities to the RentSmart program in that it uses a train the trainer approach to delivering a standardized tenant education program. Staff from community organizations are trained to deliver the education to tenants who receive a certificate that landlords recognize. The standardized approach is a big part of both RentWell's and RentSmart's respective success. RentWell also operates a state-funded landlord guarantee fund for the 800+ tenants who graduate from their 15-hour tenant education courses each year.

In 2018, over 600 people graduated from the RentSmart Certificate program, so we wanted to understand how and if we could replicate this program element. And if it was replicable, how big could it get? How many tenancies could be covered? Could it be adopted at municipal or even provincial levels? We wanted to get a sense of implementation at both small and large scale. To this end, we needed to learn more about how funds were set up, staffed, administered and promoted to tenants, landlords and community organizations. We also wanted to learn about the type and amount of claims paid out and to understand how much money needed to be held for potential claims.

We found a keen partner in Aunt Leah's Place, which has been delivering RentSmart courses for some time while also operating the Friendly Landlord Network (<https://friendlylandlordnetwork.com/>), an initiative that identifies landlords willing to rent to youth formerly in care. Both organizations share a strong interest in finding ways to support youth exiting government care. When youth exit care they often lack the kind of support that families provide and are significantly over-represented in homelessness. A landlord guarantee fund looks like a powerful tool to provide some of that missing support but we wanted to know more. Researching existing practice was a logical first step and we were fortunate to secure support for this through the Fostering Change initiative of the Vancouver Foundation.

At the time of writing, we are hoping to take our learning to the next level, first through a pilot project, followed by a larger demonstration project. We hope the information shared here is useful to others active in this work and we welcome opportunities to share, partner and collaborate.

Andrew Holeton,
Director of Operations, Ready to Rent BC Association

2.1 About the partners

Ready to Rent www.readytorentbc.org

Ready to Rent BC Association is a Victoria, BC based non-profit that works towards increased housing stability for vulnerable people through the RentSmart model: education for tenants that is delivered by community partners and recognized by landlords. The model continues to grow from a small regional program to a growing network of RentSmart Educators working within 300 community organizations and housing providers across BC, Alberta, Manitoba and Ontario. In 2018, this educator network supported more than 600 tenants to complete a 12-hour RentSmart Certificate course and another 500 tenants to complete a 3-hour RentSmart Basic course. Ready to Rent is committed to continuing to evolve this model to support vulnerable people and families to find and keep stable housing in the challenging Canadian housing market.

Aunt Leah's Place www.Auntleahs.org

Operating in BC's lower mainland, Aunt Leah's Place helps to prevent children in foster care from becoming homeless and mothers in need from losing custody of their children. To support them on their journey to self-sufficiency, Aunt Leah's Place provides supported housing, coaching on essential life skills, educational guidance and employment training. For three decades, Aunt Leah's has followed a simple principle: modeling practices normally found in Canadian families. By surrounding youth with holistic supports – including housing, counselling, life skill development, education and employment opportunities – Aunt Leah's has helped young people from foster care realize their potential and become independent adults connected to the community. This work is an important part of preventing homelessness. Aunt Leah's works proactively at the 'entry' and 'exit' points of the foster care system. First, by helping low-income families maintain custody of their children, there are fewer children and youth coming into the permanent care of the child welfare system. Second, by supporting foster youth readying to 'age out' the way modern parents would, there is a more successful transition to adulthood.

3. Risk Mitigation or Landlord Guarantee Funds

Risk mitigation funds are a tool used to increase housing options for tenants who face challenges in applying for housing. Also referred to as landlord guarantee funds, risk funds, risk pools, or landlord damage insurance funds, risk mitigation funds provide financial assurances to landlords to address specific concerns and risks such as damage to property, non-payment of rent or eviction costs. While models vary, most funds are used in conjunction with local or regional programs providing housing supports for tenants. Landlords who rent to tenants enrolled in these programs are able to access reimbursement for specific claims over and above amounts covered by the tenant's security deposit. Most existing funds are used to support access to housing for tenants who have the ability to pay rent but are more likely to be screened out during rental applications because of missing or poor references and limited or damaged credit history.

Our research found many common elements as well as some notable variations. Any organization or community considering a risk mitigation fund needs to be aware of both commonalities and variations. The following sections will explore these in detail along with rationale, examples and considerations.

3.1 Common and variable program elements

Common program elements
<p>Financing for landlord mitigation funds usually comes from the public sector and community organizations in connection with existing housing support programs. In Canada, they come from the operating budgets of regional Housing First programs.</p>
<p>Eligibility criteria are specific to each fund. Funds are aligned to support specific housing goals or challenges, and typically cover only new, rather than existing tenancies. Many funds assist people who have been homeless. Funds are offered only where there is a written tenancy agreement and documentation of move-in condition. Many strongly encourage photos of move-in condition.</p>
<p>Services: Most time-limited funds cover at least the first year of tenancy and some offer coverage of 18 months or two years; terms long enough to establish a tenancy reference. Fund operators offer a single point of contact and quick response times which are separate from other supports for tenants. Risk mitigation funds are used as a tool to engage landlords or as part of a landlord engagement strategy.</p>
<p>Claims: Fund operators clearly define the claim process and payments available. The claims typically cover damage to the rental property and unpaid rent. Claims can be made only for expenses in excess of or not covered by security deposits or regional equivalents.</p>
<p>Tenants are not usually required to repay claims paid on their behalf by risk mitigation funds. Tenants do not hold or receive funds. The operator pays eligible claims to the landlord.</p>

About terminology

In this toolkit, we use the terms *risk mitigation fund* and *landlord guarantee fund* interchangeably with the understanding that these are funds used to increase housing options for people who face barriers to housing. Risk mitigation fund is the most commonly used term. While the term risk mitigation is used in the investment, health and environmental sectors, our research found the term '*risk mitigation fund*' is most commonly used in this housing context.

We recognize that terms related to tenancy and legislation may be regionally specific. For simplicity, we have tried to use generic terms as much as possible. We also recommend that anyone considering a risk mitigation fund conduct a thorough review of applicable legislation early in the design process.

Risk mitigation funds are used by many different types of organizations. For simplicity, we have generically referred to the main organization, department or public sector body in charge of fund operations and administration as the '*fund operator*' or '*operator*'.

Variable program elements

Size: Funds vary in the size of funds available and the number of tenants that they can support. Some funds exist as a calculated part of annual operating budgets and others as a pool of funds from which claims are paid until the funds are exhausted.

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Services: Some operators offer a listing service to landlords who have vacancies. Some require a pre-approval process. Others offer both listing and matching of tenants and landlords. Some put the forms in the hands of tenants to complete when applying for housing while others utilize the tenant's support worker. The application practice tends to mirror both the landlord engagement strategy used as well as the demographic and needs of tenants. Where rent subsidies or housing vouchers are used, additional processes can also be required.



“Regardless of the size or scope of these programs, all successful risk mitigation funds develop ways to address tenant participation, landlord engagement, and the claims process.”

(Hiler, 2016)

3.2. What *isn't* a risk mitigation fund?

Homelessness and housing instability are wicked and complicated problems. While risk mitigation funds are one innovative tool, it can be helpful to distinguish them from other tools and initiatives. Some of the examples listed below may be used in conjunction with a risk mitigation fund, though we see them as distinct.

Rent bank

Rent banks offer loans to eligible household to pay overdue rent and prevent eviction. Most are interest free but are one time only. One example is the [Toronto Rent Bank Program](#).

Rental subsidy

Rental subsidies help eligible low-income tenants with additional money for rent. Many risk mitigation funds cover tenants who are eligible for and receive rental subsidies. A Canadian example is BC Housing's [Rental Assistance Program](#). In the United States, the [Housing Choice Voucher](#) is the major federal housing assistance program.

Tenant insurance

Tenant insurance usually covers contents and liability. Some policies may include accidental damages but not wilful negligence or arrears.

Landlord insurance

Landlord insurance protects property owners from fire, vandalism and other perils to their property and may include major appliances, furniture or fixtures as well as general liability. It does not cover tenants' belongings. Some risk mitigation funds offer to pay the landlord's insurance deductible in the event of damages.

3.3. A note about current Canadian and United States practice

In the course of the research, we looked at current practice in both the United States and Canada. We identified over 20 US based funds and three Canadian ones. All the Canadian funds are connected with regional Housing First programs and the funds are a line item in their annual operating expenses. What distinguishes the Canadian funds is that they tend to be less formal than many of those in the US. Canadian organizations explained that a less formal, discretionary approach allows greater flexibility to resolve a wider range of issues and maintain positive relationships with landlords. This is particularly important since the tenants they support face many challenges and often need a high level of both short- and long-term support.

4. Risk Mitigation Funds: Looking at Current Practice

At the start of this project, we knew about only a small number of existing funds and had yet to uncover the differences between Canada and the US. In our investigation, we were surprised to find many more funds. In this part of the report, we explore some of the main elements of operating a risk mitigation fund from the perspective of an organization thinking about setting one up. The sections are structured along themes and questions we sought to answer in our investigation. We share a short overview of common practice and some of the variations in practice that we found notable in nuance, strategy and innovation. We have included some of the considerations that stood out for us and some examples.

We have tried to keep the information brief and concise. Certainly, it would be possible to do more evaluation, analysis and comparison. For those who want to do their own research or to examine current practice in greater depth, we have included links and resources in the 'Further Reading' section.

4.1. Who operates the funds?

Existing examples suggest a strong connection with increased implementation of the Housing First model. Non-profits, charities, municipalities or public sector bodies with housing-related mandates operate most existing funds. Several are operated in a regional network setting with central administration but through a network of member agencies or community-wide coalitions including public, private and non-profit sectors.

Consider:

- » Connecting a fund to existing efforts, expertise, programs and capacity simply makes good sense. Many communities are already active in addressing homelessness and risk mitigation funds may be an effective addition.
- » Engaging across sectors is also likely to create a higher level of community support, awareness of and promotion of a fund in addition to engaging stakeholders in design.
- » Funds may also have additional value for communities where rising rents and low vacancy rates combine to increase barriers to housing.
- » Central administration helps keep costs low and provides a dedicated point of contact. Operating a fund requires dedicated administrative capacity and systems to track coverage and process claims and payouts.

Examples:

Unlocking Doors Initiative, Durham NC

<https://www.unlockingdoorsdurham.org/theinitiative>

Durham, North Carolina's Unlocking Doors initiative is a partnership between landlords, non-profits, the City and the Durham Housing Authority. As part of the initiative, Unlocking Doors operates a risk mitigation fund in a statewide pilot program. Utilizing state and local funding, the fund is administered by a partnership of non-profit continuum of care agencies who also support tenants transitioning from homelessness into housing. The fund is available to landlords and property managers referred by partner agencies.

RentWell

<http://www.rentwell.org/tenant-education/landlords/>

Developed in 2009 as a tenant education program, RentWell tenant education programs operate in nine counties of Oregon and Washington State. Eight of the counties also have risk mitigation funds available for tenancies of RentWell education graduates. In some counties, the program is hosted by specific organizations, and in other counties, by a consortium or coalition of organizations. In 2018, the fund was available to approximately 800 RentWell graduates. As the funds come from different sources, application forms differ slightly, but require common supporting documentation of lease or tenancy agreement. RentWell also uses a common process and form for Landlords to make claims.

Washington State Landlord Mitigation Program

<https://www.commerce.wa.gov/building-infrastructure/housing/landlord-mitigation-program/>

Washington State's Landlord Mitigation program shows what large-scale risk mitigation funds can look like: "Washington State's Landlord Mitigation Law (RCW 43.31.605) became effective on June 7th of 2018 to provide landlords with an incentive and added security to work with tenants receiving rental assistance. The program offers up to \$1,000 to the landlord in reimbursement for some potentially required move-in upgrades, up to fourteen days' rent loss and up to \$5,000 in qualifying damages caused by a tenant during tenancy."

4.2. Are they connected to other programs?

Current practice:

Risk mitigation funds are used in landlord engagement but rarely in a stand-alone context. Most risk mitigation funds are connected with programs geared towards helping people who are transitioning from homelessness to housing. Some programs and funds are also tailored to certain demographics such as homeless veterans, families or people with disabilities. All connected programs serve people who have income below a certain threshold. Many risk mitigation funds are also used as an additional level of support for people who are eligible to receive or are already receiving rental subsidies or some sort of financial support.

Existing fund operators spoke about the funds as an important marketing tool with landlords. Those using a combination of tenant education and risk mitigation funds find it is an important part of their value proposition. While the funds offer landlords financial assurance, knowing that a vulnerable tenant has a support network gives both the tenant and the landlord additional confidence, recourse and problem solving. We heard this in our interviews as well as in records of landlord consultation by organizations who support vulnerable people. Rentwell's representative said that simply requiring a written lease or tenancy agreement and record of move-in condition encouraged both tenants and landlords to do things by the book more often than they might otherwise.

The examples we reviewed show that the level of ongoing support to tenants is quite varied. Some provide a very high level of wraparound supports to people who have experienced chronic homelessness. Supports are geared to encourage independence while acknowledging some tenants are facing severe and multi-layered challenges. Programs like this often ensure that both tenants and landlords have dedicated but separate supports. We did find several references to consultation with landlords that revealed the funds were most attractive when used in combination with other supports, particularly for housing people with recent experience of homelessness.

A number of funds emphasize tenant education as either a prerequisite or something that is strongly encouraged. (Fargo-Moorhead website and interview with RentWell) Where tenants require lower levels of support and risk mitigation funds are in place for less than a year, some funds are more aligned to helping tenants establish references and stability to decrease their reliance on further support.

Consider:

- » If connected to an existing program, how will a risk mitigation fund be received by landlords? Does it overcome specific concerns? If stigma or discrimination is an issue, is there education that is also needed?
- » Ultimately, risk mitigation funds can greatly assist with landlord engagement, recruitment and retention but should be carefully considered in local context. Consultation with local landlords is highly recommended.
- » Risk mitigation funds may be pivotal in retaining landlords who rent to program participants even after a negative experience.
- » Risk mitigation funds combined with tenant education have many advantages both in promotion to landlords as well as ensuring tenants have the knowledge and skills to exercise rights and responsibilities. A caveat is that tenants also need to have the capacity to participate in education programs, which may not be the case if a person is actively experiencing crisis or trauma.
- » Existing funds are used at both small and large scale. Larger funds are often centrally administered with connection to a network of partner agencies.
- » The connected program usually determines tenant eligibility.

Examples:

City of Boston Landlord Guarantee Pilot Program

<https://www.boston.gov/landlord-guarantee-pilot-program#program-information>

Launched in October 2017, the City of Boston is operating a Landlord Guarantee Pilot Project as part of its efforts to encourage landlords to accept individual tenants and families transitioning from homelessness. Tenants have access to ongoing case management support while moving towards greater self reliance and stability.

Pacifica Housing, Victoria, BC

<https://pacificahousing.ca/private-market-partnerships/>

In addition to the housing Pacifica directly operates, they also engage private market landlords and property managers to help house people who can live independently but may require ongoing supports. Tenants are supported by caseworkers doing regular home visits. The Landlord Liaison Project supports and recruits participating landlords.

Miami Dade County Homeless Trust

<http://homelesstrust.org/rentconnect.asp>

Homeless Trust is a large countywide initiative aimed at responding to homelessness. Within the services encompassed by the initiative is the RentConnect program, which matches landlords and tenants at risk of homelessness or transitioning from homelessness. The program has a number of features such as a rental listing service, 'High touch supports to landlords,' 'Hands on support to tenants' and a Claims Based Damage Mitigation Fund.

“

“We believe that well-supported Unlocking Doors Initiative tenants will be an asset to you, but we understand that there are always risks involved. We worked to develop a fund that will share some of those risks and give you peace of mind.”

*Unlocking Doors,
Durham, NC*

4.3 Where does the money come from?

Current practice:

The majority of risk mitigation funds are derived from public sector funds earmarked for housing supports or homelessness. Examples can be found of federal, state, provincial, county, and municipally administered money used for claims. There are several other examples of funds raised in whole and in part through donations and bequests from individuals, faith communities and private sector businesses including landlords. Some exist as a calculated part of annual operating budgets and others as a pool of funds from which claims are paid until the funds are exhausted.

Consider:

- » Public sector funds for homelessness are invariably in short supply and high demand. A blend of funding sources may be a solution if public sector funding isn't available.
- » If a risk mitigation fund is part of annual operating funds, it is prudent to consider how unspent funds can be rolled over from one year to the next. Conversely, a 'worst case' payout scenario must be anticipated.
- » Payouts and claims are hard to predict. Having surplus risk mitigation funds at the end of a fiscal period would normally be considered a good thing, but granting agencies may expect funds to be fully dispersed and request surplus funds be returned.
- » Private donations are more flexible but can come with higher administration costs.
- » A large pool of donated funds may generate revenue from investments, provided sufficient funds for payouts are on still held in redeemable cash funds.

Examples:

Fargo-Moorhead Coalition for Homelessness

<https://fmhomeless.org/what-we-do/ways-we-help/landlord-risk-mitigation-fund/investing-landlord-risk-mitigation-fund>

An example of a small but growing fund using a mix of funding and donation strategies: "The Landlord Risk Mitigation Fund was started in 2014 with \$10,000 in seed funding from a City of Fargo Social Services grant and a pledge from Lakes and Prairies Community Action Agency. Those funds and other donated funds are held in trust at the F-M Area Foundation."

RentWell

<http://www.rentwell.org/tenant-education/landlords/>

Combining and administering claims for eight county-based risk mitigation funds, RentWell's partner programs are a good example of how different types of funding can be woven together.

Miami Dade County Homeless Trust

<http://homelesstrust.org/about-homeless-trust.asp>

A notable example of public funding, the Homeless Trust and its Claims Based Damage Mitigation Fund, is funded through a 1% Food and Beverage tax.

United States Interagency Council on Homelessness (USICH)

<http://dev2.usich.gov/tools-for-action/engaging-landlords-risk-mitigation-funds-community-profiles/>

This 2016 guide produced by USICH is an excellent reference. The quick guide includes a breakdown of the range of funding sources used in risk mitigation funds in Denver, Orlando, Portland and Seattle.

4.4 Staffing and contact methods

Current practice:

From a staffing perspective, most risk mitigation funds are overseen by either a single person or small specialist team with some administrative support. Practice will usually reflect the larger program with which the fund is connected. The method of communication will reflect the specific regional approach to landlord engagement. The contact person or team will respond to general inquiries and issues relating to new and existing tenancy coverage. Key services include ensuring documentation is collected, communicating coverage status and receiving, reviewing and processing claims. It is common to find dedicated hotlines, emails and webpages. Depending on the size and scale, some will also utilize additional communications support to market the fund and related programs to landlords. As noted in the 'Who Operates' section, a network of affiliated partner agencies supporting tenants is often a crucial part of how a risk mitigation fund will operate. From interviews with RentWell, Pacifica and the Winnipeg Rental Network, we heard the importance of quick response and processing times. We also heard that mitigation funds are a highly effective part of marketing to landlords.

Consider:

- » Fit within the overall program, landlord engagement approach and strategies?
- » What expertise will be required to oversee a fund and respond to inquiries?
- » What expertise and process will be required to receive, assess and validate claims and payout?
- » How do you want landlords to find out about your fund and claim processes?

Examples:

Landlord Liaison Project, King County WA

<https://www.kingcounty.gov/depts/community-human-services/housing/services/homeless-housing/landlord-liaison-project.aspx>

The webpage and contact information for King County's Landlord Liaison Project. Risk mitigation funds are mentioned with information for participating landlords.

Unlocking Doors, Durham NC

<https://www.unlockingdoorsdurham.org/theinitiative>

Unlocking Doors website includes multiple calls to action especially for landlords while also conveying contact information. Non-profit partners are also listed. A downloadable two-page FAQ is available, as are Key Partner Agreement Forms and Risk Mitigation Fund Claim forms: <https://www.unlockingdoorsdurham.org/for-key-partners-documents/>

RentWell

<http://www.rentwell.org/tenant-education/contact/>

RentWell has both a central and regional element to its operations and risk mitigation fund. A simple and easy to navigate website provides information for tenants, landlords and instructors who deliver tenant education for the RentWell Program. The site lists local and regional contacts and provides clear explanations about the landlord guarantee including relevant downloadable forms.



“The surveys revealed that many owners will consider making exceptions to their rental criteria. A primary area of concern discovered was making sure renters have access to case management and support systems. That way, if they experience a time of crisis, help is readily available for all parties involved.”

2017 Landlord Consultation, Homeless Trust, Miami Dade

4.5 How does the risk mitigation fund application process work?

Current practice:

Initiating coverage usually requires a formal application process that requires the relevant parties to sign agreements to the terms and conditions. In our review, we looked primarily at the part of the application process where a landlord becomes involved. Universally, all fund operators are diligent about requiring a valid, written and dated copy of a tenancy agreement or lease. A move-in condition document is mandatory for consideration of claims. Operators also offer a template application form and agreement.

Beyond this, practice varies. Some operators offer a listing service to landlords who have vacancies. Some require a pre-approval process. Others offer both listing and matching of tenants and landlords. Some put the forms in the hands of tenants to complete when applying for housing while others utilize the tenant's support worker. The application practice tends to mirror both the landlord engagement strategy used as well as the demographic and needs of tenants. Where rent subsidies or housing vouchers are used, additional processes can also be required.

Interviews with RentWell and the City of Boston revealed that only a small number of eligible tenants actually completed the full application process required to initiate risk mitigation fund coverage. Our initial assumption was that this was a problem but this was not always the case. Tenants who did not complete the application process related that simply being eligible boosted their confidence. Sometimes it was the property owner who decided not to complete the forms though the tenants were still successful in securing the housing. Operators also said they suspected exposure to this practice led tenants to be more diligent about insisting on written agreements and documentation of the move-in condition.

Consider:

- » It is worth making sure the application process and forms reflect the manner in which they will be used, especially if tenants will be using them in housing applications.
- » Feedback from stakeholders including landlords can be helpful in clarifying language and process.
- » A confirmation letter or email may also be well received.
- » Live support, contact information, a webpage with instructions, and downloadable forms are all good supports.
- » An evaluation component, such as monitoring how well your application process is working, could reveal important information or useful suggestions from partners, landlords and tenants.

Examples:

RentWell

<http://www.rentwell.org/tenant-education/landlords/>

For information about applying and downloadable forms

Caitlyn Kennedy graciously shared RentWell's application forms for us to review. We wanted to understand how tenants would feel about using these when applying for housing in one of Canada's toughest rental markets, so we took it to back to a focus group of nine youth from Aunt Leah's Place in the Lower Mainland. We went through the forms line by line to see if there was anything the youth would change.

The group suggested a few minor edits including changes to reflect the region. They did suggest adding a box to identify landlords who would be willing to share feedback about the program. Overall, the group thought the forms were clear, concise and something they would feel comfortable using in housing applications. They liked the idea of having a small portfolio for forms and information about the RentSmart tenant education program. Another great suggestion was to make sure completed applications could be received in multiple formats including secure upload of scanned forms.

Landlord Guarantee Pilot Program, City of Boston

<https://www.boston.gov/landlord-guarantee-pilot-program/application>

The City of Boston’s Landlord Guarantee Pilot Program offers an online and printable application form. A downloadable version of the Landlord Agreement is also available. In addition to the application, a survey helps collect information about landlords’ past experiences renting to people with barriers to housing.

Washington State Department of Commerce

<https://www.commerce.wa.gov/building-infrastructure/housing/landlord-mitigation-program/>

For information about how to qualify for pre- and post-move-in funds, how to submit claims, downloads of forms and multiple FAQs. The webpage also includes metrics about claims submitted, approved and denied.

4.6 How long are tenants covered for?

Current practice:

Typically, risk mitigation funds cover only new rather than existing tenancies. Beyond that stipulation however, there is some variation depending on the program and demographic of tenants supported. Where information was available, we found most funds cover at least the first year of tenancy and some offer coverage of 18 months or two years; terms long enough to establish a tenancy reference. Several funds also specifically state that coverage is one time only for a specific tenant.

We found examples that will cover tenants on an ongoing basis providing they still meet program eligibility and opt to receive support. The programs offering this coverage are specifically for people who have experienced chronic homelessness and are likely to have long-term support needs. While the programs serve a set number of people, risk mitigation fund coverage could last until death, voluntary exit or moving out of the eligible region. Another notable variation speaks to the connection with tenant education. RentWell includes an 18-month period for tenants to initiate risk mitigation fund coverage after completing the RentWell education program. After this, the one time coverage is limited to 12 months.

In a Lower Mainland focus group with youth at Aunt Leah’s Place, participants were asked if a risk mitigation fund was available to them, “how long should coverage last?” On a scale of 1 to 5 years, 100% indicated 5 years of coverage.

Consider:

- » Ideally, the length of coverage will reflect the support needs of the tenants the fund is intended to support.
- » In thinking about length of coverage, consider what happens when the coverage ends. What has changed in the tenants’ lives in terms of their housing stability?
- » Along with the number of tenants covered, length of coverage is one of the main variables to think about from an operational and financial perspective when setting up a fund.
- » Whatever terms you offer, make sure you can honour the length of coverage even in the face of changes to program funding.
- » Expect this to challenge your design process. If tenants ‘graduate’ out of coverage and that allows new tenancies to be covered, this could be very positive. However, if length of coverage is too short for tenants to increase housing stability, this negates the effort. Find the balance that works for your community while making sure you continually monitor and evaluate.

Examples:

Opening Doors Landlord Risk Mitigation Fund, North Dakota Housing Finance Agency

<https://www.ndhfa.org/RentalAssistance/OpeningDoors.html>

The North Dakota Housing Finance Agency operates the Opening Doors Landlord Risk Mitigation Fund as part of the Opening Doors Program. The fund provides up to \$2000 of coverage for up to 18 months for eligible and approved tenancies. The webpage and downloadable client guide explains tenant eligibility and obligations.

4.7 Do tenants have to pay anything?

Current practice:

None of the examples we reviewed require tenants to pay towards a risk mitigation fund beyond rent and a security deposit. Involvement in the process as well as participation in tenant education may be a contribution of time. In both Canada and the United States, the law governing security deposits varies by state or province. There can also be further regulation at municipal levels. In some states, deposits may be as much as two or three months rent. Additional deposits may also be required for possible damage by pets or waterbeds. Some tenants may receive financial support for rent but the common practice is that tenants are responsible for paying monthly rent and security deposits.

Most of the risk mitigation funds we reviewed indicate that when landlords are seeking compensation for damages, arrears or other expenses, that they must first follow a previously agreed process to claim against the deposits held for this purpose. Claims can then be made to the risk mitigation fund for the remainder within any applicable cap the fund specifies.

In March 2017, Oregon removed the requirement to collect from Housing Choice tenants whose tenancies required payouts to landlords. Given the low-income requirements for many housing support programs, requiring tenants to pay back is counter productive, more likely to compound poverty and negatively affect credit, than to recover costs. We did not come across any examples of risk mitigation funds that sought to recover claim payouts from participating tenants beyond what was applied to their security deposits.

Consider:

- » Making sure tenants have access to information about their rights and responsibilities is a good investment in their long-term ability to enjoy stable housing. Essential information includes: how security deposits work, what is considered normal 'wear and tear', how to deal with maintenance issues and how to manage pets. Education on these and other common tension points is likely to increase housing stability and avoid unnecessary damages and claims.
- » As the amounts of security deposits can vary according to legislation, this may influence the amount of coverage a fund offers to landlords. If security deposits are relatively low, a risk mitigation fund may be exceptionally appealing.
- » Small security deposits may result in more frequent but smaller claims. Where larger security deposits are permitted, fund operators need to research the impact on the fund of worst case scenarios.
- » Landlords, including social housing providers, may be able to help with accurate forecasting of the type and amount of claims.

4.8 What kinds of claims are covered and for how much?

Current practice:

Since risk mitigation funds are intended to reduce risks for landlords, it is essential that the types of claims allowed reflect things landlords are typically worried about. Our review found that the two most common types of claims covered were damages to the physical condition of the rental property and unpaid rent. We found several that also included costs related to evictions and lost revenue due to vacancy following an eviction. Washington State offers up to \$1000 for pre-move-in expenses and up to \$5000 for post-move-out expenses. Each fund is quite specific on what claims are and are not allowed, timelines for filing claims, the documentation required, and the necessity to pursue expenses from security deposits first. With respect to damages, funds differ on approval of claims for repairs. Most will allow reasonable claims for completed work and materials. However, if landlords do the repairs themselves, they cannot claim their time as a labour cost.

The maximum of amount of coverage under a fund varies widely but most have a specified cap. Examples range from \$500 to \$10,000 with most in the \$1,000 to \$5,000 range. The majority of funds have a maximum amount for all combined eligible claims. A few funds have set limits for certain types of claims e.g., \$1,000 for arrears and \$3,000 for damages. In an interview, staff from the City of Boston's Landlord Guarantee Pilot Program said the \$10,000 ceiling for claims was intended to set 'an eye-popping' amount that would get the attention of landlords and inspire confidence in housing tenants transitioning from homelessness.

Sharing a tenancy with roommates is one way that many people can stretch the amount of money, they have for rent but shared tenancies can come with significant challenges. For many of the housing and tenants support programs that are connected to risk mitigation funds, there are specific policies covering roommates, family or guests who become household members. If a tenant with risk mitigation fund coverage is in any sort of a shared tenancy with someone who does not have coverage, established policies are used to guide claims and notification to landlords.

Consider:

- » Who are the landlords you're trying to reach and does the amount and type(s) of eligible claim covered address the risk they perceive? What kind of claims can you anticipate based on the tenants the funds will support? Larger housing and property managers may have different concerns than 'mom and pop' landlords.
- » The 'cap' or maximum amount of eligible claims can be a great marketing point for promoting the fund, but needs to stay within a fund's ability to pay. The method of financing a fund is important to consider so that claims can always be honoured, despite changes to operating funds or drawdown on a pool of funds.
- » There may be regional considerations to eviction processes or potential damage to consider. In some places, extreme cold weather limits eviction. In damp climates, mould is a more prevalent cause of damage.
- » Preventing claims from spiralling out of control depends on case workers, regular check-ins, landlord liaison and tenant education.
- » Consultation with landlords is always a good idea. There is a good chance they'll be willing to tell you if the amount and type of coverage is realistic.

Examples:

Landlord Guarantee Assistance, Housing Choice Program, Oregon

<https://www.oregon.gov/ohcs/Pages/housing-choice-landlord-guarantee-assistance.aspx>

A risk mitigation fund connected with the Housing Choice Voucher Program, the webpage on the Oregon government website warns "funding for this program is limited and dependent on state budget allocation" while also reassuring that if new funds are allocated, landlords will be contacted. The page also includes information about how to file a claim, eligible claims, documentation required and claim examples.

Homeless Trust, Miami Dade County

<http://homelesstrust.org/rentconnect.asp>

Homeless Trust's Reconnect Program is a good example of a comprehensive program that includes a risk mitigation fund and multiple supports geared towards preventing crisis, eviction and expenses while still supporting tenants with housing challenges.

Landlord Risk Mitigation Funds: A Literature and Design Review

www.mnhousing.gov/get/MHFA_1040835

See 'Table 1: Summary of Landlord Risk Mitigation Funds' (page 9-10) of this 2016 report for a quick reference to nine risk mitigation funds including total fund, eligible claims and caps. Additional detail is provided in the fund profiles.

4.9 Payouts for claims

Current practice:

A simple summary of claims paid by risk mitigation funds would read, “Payouts happen less often than you’d expect.” We were unable to learn how much all risk mitigation funds pay in claims, but a few like Washington State publish financial information including the quantity and dollar amounts of claims filed, claims approved and not approved. Where claims are published, average payouts are in the range of \$1,000-\$1,500. Most funds require the landlord to use the security deposit as the deductible for a claim. As the amount of security deposits can vary considerably, payouts will be influenced by this. Some risk mitigation funds do not make payouts while the tenancy is still active. Others will, particularly if this can salvage a tenancy. Clear instructions about how and when to file a claim and the type of supporting documentation needed is well explained on the webpages of most funds. Downloadable claim forms are usually available. Some fund operators conduct move-out inspections as a general practice, while others will do so only if claims need to be verified. (Los Angeles County and interviews with Pacifica, Winnipeg and RentWell)

Fund operators we interviewed (RentWell, Pacifica, City of Boston and Winnipeg Rental Network) stressed the importance of having the move-in and move-out condition reports to assess claims. They also said that damages and cleaning were the main reasons for payouts. Some payouts for unpaid rent did occur but landlords would often raise this as a concern early on, giving opportunity to have a support worker connect with the tenant.

Oregon State’s Housing Choice program offers a cautionary tale for a large-scale fund. For a period, landlords were able to claim damages through the court system. If tenants did not appear to dispute the claims, as occurred in over 80% of the claims, landlords were awarded claims by default, raising concerns that some landlords were abusing the fund.

<https://openhousing.net/oregon-lawmakers-consider-landlord-guarantee-funds-bf7ce1cf04f1>

<https://www.portlandmercury.com/news/2017/03/29/18918045/some-landlords-are-abusing-a-state-fund-for-poor-renters>

Two fund operators interviewed (Pacifica and Winnipeg) stated that not having a cap was preferable for their overall program approach. Both also said they made efforts to inspect units prior to move out and make any necessary repairs, cleaning or remediation so the unit was in good condition when the tenancy ended. This helped maintain the long-term relationship between their program and the landlords.

Consider:

- » There are benefits and risks associated with both setting and not setting a maximum claim amount. Your strategy should reflect the amount of risk mitigation funding available, the concerns of property owners, the length of coverage and the ‘worst case scenario’ forecasting of claims.
- » Verification of claims is an important process but should also be quick and convenient. Existing practices provide guidance about process, documentation and coordination with security deposits.
- » Over time, some payouts can be avoided through support to tenants like education or assistance. Avoiding damages and claims will help tenants to develop good references and keep more of their security deposits.
- » The claim rates of some organizations may be misleading. “Programs should take caution when utilizing this metric because claim rates can be calculated several ways and are hard to compare with other programs.” (Hiler, 2016) More local data such as that from comparable existing housing support programs may provide better insight.



“Since the program began in 2009, on average less than 1% of landlords have needed to access the funds.”

RentWell
<http://www.rentwell.org/tenant-education/landlords/>

Examples:

Fargo-Moorhead Coalition for Homeless Persons

<https://fmhomeless.org/what-we-do/ways-we-help/landlord-risk-mitigation-fund/investing-landlord-risk-mitigation-fund>

“In its first year of operation the Coalition approved thirty households for the fund and made one payout of \$500 for a tenant that remains housed.”

Landlord Risk Mitigation Funds: A Literature and Design Review

http://www.mnhousing.gov/get/MHFA_1040835

A 2016 report to the Minnesota Housing Finance Agency that profiles a dozen risk mitigation funds including average payouts and total number of claims.

Washington State Risk Mitigation

<https://www.commerce.wa.gov/building-infrastructure/housing/landlord-mitigation-program/>

Infographic showing overall claims and payouts. Unfortunately, the data does not show total people or households covered but it is a useful reference to consider.

5. Conclusion

5.1. Do risk mitigation funds make a difference?

As risk mitigation funds are rarely used in standalone context, housing outcomes are more likely to be tracked by the associated programs, agencies and coordinating bodies. An example of this is the Homeless Management Information System used across the United States for client data. (<https://www.hudexchange.info/programs/hmis/>) A 2016 report to Minnesota Housing, notes, “Although no program outlines formal program evaluation, programs should develop strategies to demonstrate the effectiveness and success of its fund.”(Hiler) Existing funds operate at very different scales, making comparison challenging. We do know the number of organizations and public sector bodies utilizing risk mitigation funds is clearly rising. At a base level, evaluation of a fund would want to establish benefit to both tenants and property owners as well as organizations providing supports.

All the organizations using risk mitigation funds that we interviewed (RentWell, Pacifica, Winnipeg) agreed without hesitation that the risk mitigation funds were an effective tool for engaging landlords and increasing access to housing for the tenants they supported. They also articulated other benefits to tenants and landlords, such as landlord recruitment and retention. Tenants’ access to the funds increased their confidence and success in applying for housing even when they did not apply for the coverage. Eligibility for coverage under the risk mitigation fund provided an incentive for tenants to complete RentWell tenant education that, in turn, increased their ability to achieve successful tenancies. Housing support programs are better able to retain landlords’ participation in their programs, even when they had to make claims; a significant accomplishment when the landlords were property managers with multiple units and buildings.

We came across several references that the drawdown on risk mitigation funds is much lower than anticipated (Miami-Dade 2017, Fargo-Moorhead, City of Boston, RentWell) and that while funds were not being discontinued, additional strategies are being used to generate housing access and negotiate screening requirements. The summary conclusion we draw from this project is that they are largely successful as part of an overall strategy but should be adapted to local and program context. Multiple years of operation will allow more accurate forecasting of payouts so that vital funds for helping people find and keep stable housing are used as effectively as possible.

5.2 A role for foundations?

In thinking about a potential pilot, we wanted to better understand how to set up a fund that is not derived from an annual operating budget. In early conversations with funders, we came to the understanding that grant-based revenue is not well suited for establishing the pool of funds held for potential payouts. Most grants must be expended within a set period of time or returned. Funders liked the overall concept but were deterred by historic examples of low rates of payouts. They raised concern that this might require unspent funds to be returned after several years, when that money could have been meeting other needs.

In comparison, freely given, non-refundable donations offer greater flexibility and are a preferred alternative. We were encouraged to learn that Fargo-Moorhead's program was initiated and sustained solely through donations.

We followed up with a preliminary investigation into how to set up a donation-based fund that could be centrally administered and still be available to partnering agencies to promote to their regional donors. We also wanted to better understand what would be required to invest a fund to generate revenue for claims and operating expenses and whether an existing foundation would adopt this model. We realize that this will require further investigation beyond the scope of this project, but it does appear that there are several ways to structure a fund to meet the needs of operators and funders, including foundations.

Some foundations assist non-profits and charities with financing in the form of interest-free loans. A model that finances payouts as needed, avoids the need to set aside a large pool of funds from which to draw. The operator would still repay the funds and would need to ensure adequate budget. For this reason, this may be more viable after several years of experience informs budget forecasting. More detailed information and financial analysis is needed. As we get more clarity on this, we will continue to share and act on our learning.

5.3 Next steps in our project

Based on what we learned from this project, we are optimistic that combining a landlord risk mitigation fund with RentSmart education would be a highly effective way to remove barriers to housing. Specifically, we believe that the next important step is to pilot that approach to support youth who have left or are leaving government care, and young families moving from transitional housing to independent living. Both of these groups face significant barriers to housing. There is significant evidence for the connection between chronic homelessness, youth homelessness and foster care. The number of families and children using emergency shelters has been on the rise while rising rents continue to keep families at increasing risk of homelessness. Reducing barriers when applying for housing is one piece of the more comprehensive package of solutions required to address this at an individual, policy and systems level. (<https://www.homelesshub.ca/about-homelessness/legal-justice-issues/foster-care> <https://www.raisingtheroof.org/what-we-do/our-initiatives/child-family-homelessness/>)

We also believe that risk mitigation funds could find broader use in Canada and that a pilot and subsequent demonstration project could help establish the approach for greater consideration by public sector policy makers to implement at a larger scale.

At the time of writing, we are in active discussion with potential funders and donors to establish an initial fund. We hope to see small-scale pilots launched in both the Lower Mainland (Vancouver) and Capital Regional District (Greater Victoria) in 2019. Once established, pilot projects will move into demonstration projects supported by ongoing impact evaluation and sustainability and growth strategies to allow others to help seed and utilize the fund.

We welcome inquiries, partnership and learning opportunities. We hope this toolkit assists others in their efforts to end homelessness and housing instability.



“The Fund is a direct benefit to people experiencing homelessness who have barriers to stable housing, such as credit issues and encounters with the justice system. It is a direct benefit to landlords who need to responsibly manage their properties for the good of all tenants.”

**Fargo-Moorhead
Coalition for Homeless
Persons**

6. Further Reading and References

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