



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lieutenant Governor ♦ Jennifer D. Maddox, Undersecretary

PHN 2020-35

To: All Local Housing Authority (LHA) Executive Directors
From: Ben Stone, Director, Division of Public Housing
Date: November 2, 2020
Subject: Regulatory Waiver Regarding Senior Wage Exclusion

DHCD regulations ([760 CMR 6.05\(2\)\(e\)](#)) regarding rent determination in public housing have for many years included a “Senior Wage Exclusion”. This wage exclusion excludes from income for purposes of rent determination working income from tenants aged 62 or older, up to a weekly limit of 20 hours x the minimum wage. In 2020, this totals a maximum weekly wage exclusion of \$255.

This provision, meant to incentivize work among seniors, has the unintended consequence that employed seniors in state-aided housing may see their rent increase and their income fall upon job loss due to layoff, injury, or disability. Therefore, DHCD is issuing, effective today, a regulatory waiver to apply the senior wage exclusion to temporary wage replacement schemes following job loss: Unemployment Insurance, Workers Compensation, and Short and Long Term Disability. This does **not** apply to Social Security Disability Insurance or any government benefit program aside from Unemployment Insurance.

This extended senior wage exclusion only applies for public housing residents 62 and older with employment, unemployment insurance, workers compensation, and short and long term disability income.

The wage exclusion should be applied to the totality of the above sources; if the household member has multiple of the above sources, they should not receive multiple wage exclusions.

This waiver only applies to interim determinations and annual rent certifications following this date; Local Housing Authorities should not have to conduct any retroactive rent calculations.

This waiver does not have an end date; DHCD plans to permanently amend the regulations to reflect this waiver.

Please contact your Housing Management Specialist with any questions

Attachment A: **Waiver of Senior Wage Exclusion to Apply to Unemployment Insurance, Workers Compensation, and Short and Long Term Disability Insurance**