



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

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

PHN 2020-41

To: All Local Housing Authority (LHA) Executive Directors
From: Ben Stone, Director, Division of Public Housing
Date: December 30, 2020
RE: **December Coronavirus Relief Bill & State-Aided Public Housing**

The United State Congress passed the [Consolidated Appropriation Act of 2021](#) (CAA) on December 22, which was then signed onto law on December 27. This \$900 billion COVID-19 relief bill (and general funding for the Federal Government) includes direct payments to individuals, extended and enhanced unemployment insurance (UI) benefits, extended deadline for use of CARES act funds, and other measures of importance to Local Housing Authorities. This guidance directs LHAs how the one-time direct payments and enhanced UI should be treated for purposes of rent determination in state-aided housing and summarizes other important measures included in the CAA.

1. \$600 Direct Payments to Individuals – **Exclude from Income for Rent Determination**
2. Enhanced UI Benefits – **Include in Income for Rent Determination**
3. Coronavirus Relief Fund **Deadline Extension to December 31, 2021**
4. Eviction Moratorium Extension and New Rental Assistance Funds
5. Other Measures
 - a. Funding for Federally-Aided Public Housing
 - b. Low-Income Broadband Rebates

1. Direct Payments to Individuals

The CAA includes one-time Economic Income Payments of \$600 per adult and child, though [not adult dependents](#). All people earning less than \$75,000 in 2019 are eligible for the full payment, with payments phasing out between \$75,000-99,999 of income. Families with mixed-immigration status are newly eligible for these payments.

Following on previous DHCD guidance, due to the temporary, one-time nature of this benefit, DHCD deems that these payments are “gifts” under [760 CMR 6.05\(3\)\(a\)](#) and should **be excluded from income for purposes of rent determination and eligibility for public housing**. Residents do not need to report this income to LHAs.

2. Extended and Enhanced Unemployment Benefits

The CAA extends Pandemic Unemployment Assistance (PUA), which provided UI benefits to contract and gig workers not typically covered by state UI systems, through March 14th. The law also postpones the expiration of UI benefits for workers who have exhausted their state UI benefits through March 14th. Both measures would have expired on December 26th without federal action. Both extended UI benefits and PUA benefits should be counted in income for both rent and eligibility, as per 760 CMR 6.05(2)(e).

The CAA also includes [11 weeks of \\$300/week enhancements](#) to unemployment benefits payments, from December 26 through March 14. Per earlier DHCD guidance in [PHN 2020-31](#), these enhanced unemployment insurance benefits should be **included in income for purposes of rent determination**.

DHCD reminds LHAs that they must continue to follow [760 CMR 6.04\(5\)\(a\)](#) regarding Interim Redetermination of rent when including this enhanced benefit in income for purposes of rent. This regulation requires tenants to report an increase in income no later than the seventh day of the month following the month in which the increase occurred, and requires LHAs to give a tenant written notice at least 14 days in advance of the effective date of a rent increase (which must be made effective on the first day of the month). If a tenant's income decreases (taking into account unemployment insurance and enhanced benefit), the corresponding rent change shall be made effective on the first day of the month following date of the verified decrease in income.

LHAs should continue to disregard any temporary enhanced benefits (i.e., the additional \$300/week) when calculating income for the purposes of **eligibility** for public housing as governed by [760 CMR 5.06](#).

3. Coronavirus Relief Fund Deadline Extension

The CAA does not include additional Coronavirus Relief Funds (CRF) for state and local governments, but it extends the deadline for use of previously allocated funds from December 30, 2020 to December 31, 2021. LHAs who received CRF funds through DHCD pursuant to [PHN 2020-29](#) now have an additional 12 months to spend these fund on eligible uses for Coronavirus response. See [Treasury Guidance](#) and [FAQs](#) for more information on eligible uses.

4. Eviction Moratorium and Rental Assistance

The CAA extends the [CDC eviction moratorium](#) through January 31, 2021. This moratorium was previously scheduled to expire on December 31, 2020. The CDC moratorium prevents evictions for non-payment (but does not prevent filings) for qualified tenants who [submit a written declaration to their landlord](#). LHAs should prepare for a possible extension of this moratorium by the incoming Biden-Harris administration. LHAs may find more information on the CDC moratorium and how it applies in Massachusetts at the [COVID-19 Eviction Information Page](#).

The CAA also provides [\\$25 billion in emergency rental assistance funds](#) to be allocated to the states by formula and administered by state-selected entities. Households would be eligible for up to 12 months of assistance if they:

- (1) have a household income not more than 80 percent of the area median income (AMI);
- (2) have one or more household members who can demonstrate a risk of experiencing homelessness or housing instability; and
- (3) have one or more household members who qualify for unemployment benefits or experienced financial hardship due, directly or indirectly, to the pandemic.

Landlords may apply for these funds with the signature of their tenant.

DHCD may have further guidance in the future on how tenants and LHAs may access these funds.

5. Other Measures

- a. **Funding for Federally-Aided Public Housing:** For Federal Public Housing Authorities, the CAA authorizes \$4.839 B (6.3% increase over FY20) in the Public Housing Operating

fund and \$2.765B (3.7% decrease from FY20) in the Public Housing Capital fund for FY21. It also includes \$155M for the Rental Opportunities and Self Sufficiency programs (+19%) and \$200M (+14%) for CHOICE Neighborhoods.

- b. **Low-Income Broadband Rebates:** The CAA includes an [approximately \\$3B program](#) that allows low-income American Households rebates of up to \$50 each month from date of enactment until 6 months after the end of the public health emergency. Households qualifying for a variety of federal benefits, with income under 135% of the poverty line, or who have lost substantial amount of income since February 29, 2020, are eligible. The CAA also authorizes \$100 payments to providers for each connected device they supply to an eligible household. Many state-aided public housing residents will be eligible for this program, and we will share more information you can share with your residents as the program is stood up.