

760 CMR 57.00: ~~RAFT COVID-19 EMERGENCY REGULATIONS~~ Data Sharing to Verify Income for Rental Assistance Programs

Section

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EMERGENCY PREAMBLE

~~On March 10, 2020 Governor Baker declared a state of emergency in the Commonwealth because of the public health risks caused by the novel coronavirus, COVID-19. The Secretary finds that immediate adoption of 760 CMR 57.00 is necessary during the state of emergency to address the immediate need for families facing eviction to access benefits through the Residential Assistance for Families in Transition (RAFT) program. Expeditiously processing applications for this assistance will help at-risk families to preserve safe and stable housing.~~

57.01: Purpose

The purpose of 760 CMR 57.00 is to ~~establish~~implement legal authority for the Department of Housing and Community Development (DHCD) and its contracted regional administering agencies to obtain personal information from other state agencies that will expedite the processing of applications for the Residential Assistance for Families in Transition (RAFT) program or other similar rental assistance programs. ~~applications.~~

57.02 Scope and Applicability

Notwithstanding anything in 760 CMR 57.00 to the contrary, 760 CMR 57.00 applies to all persons who have applied or intend to apply for RAFT or similar rental assistance program benefits. ~~or intend to apply for RAFT benefits during the state of emergency.~~

57.03: Eligibility

RAFT or ERAP or similar rental assistance program applicants who are ~~receiving~~enrolled in MassHealth ~~benefits and/or~~ Department of Transitional Assistance (DTA) administered ~~benefits programs determined by DHCD to have comparable income thresholds to RAFT, ERAP or similar rental assistance programs~~ will be presumed income eligible for RAFT, ERAP or similar rental assistance programs. ~~benefits.~~

57.04: Requirement for MassHealth and DTA to Disclose Eligibility Information

Upon the request of DHCD, and to the extent the use or disclosure is ~~not~~inconsistent with applicable federal or state law or regulation, MassHealth and DTA ~~must~~may disclose Eligibility Information, including personal data, as defined in M.G.L. c. 66A, § 1, protected health information defined in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and 45 CFR 160 and 164, and any other personal information as necessary for DHCD and its contracted regional administering agencies to expeditiously process RAFT or similar rental assistance program applications.

57.05: Requirement for DOR and DUA to Disclose Eligibility Information to DHCD

Upon the request of DHCD, and to the extent the use or disclosure is ~~not~~inconsistent with applicable federal or state law or regulation, Department of Revenue (DOR) and Department of Unemployment Assistance (DUA) ~~must~~may disclose Eligibility Information, including personal data, as defined in M.G.L. c. 66A, § 1, eligibility, income, wage, and

other personal information, as necessary, for DHCD and its contracted regional administering agencies to expeditiously process RAFT or similar rental assistance program applications.

57.06: Eligibility Information

For the purposes of 760 CMR 57.00, Eligibility Information shall consist of the following:

- (a) For information owned by MassHealth, it shall consist of eligibility status for MassHealth programs, coverage, plan, or benefit type.
- (b) For information owned by DTA, it shall consist of eligibility status for DTA programs, benefit type, and household income.
- (c) For information owned by DUA, it shall consist of unemployment insurance benefit payment information.
- (d) For information owned by DOR, it shall consist of wage reporting match to verify wages and financial eligibility.

As directed by DHCD, Eligibility Information may be disclosed to DHCD or to its contracted administering agencies to expeditiously process RAFT or similar rental assistance program applications.

57.07: Privacy, Confidentiality, and Safeguards

Information received by DHCD and its contracted administering agencies from MassHealth, DOR, DUA and DTA shall be kept private, confidential, and safeguarded at all times and in accordance with applicable law. DHCD and its contracted agencies will comply with all state and federal laws concerning the confidentiality of information, including M.G.L. c.66A; M.G.L. c. 93H; 801 CMR 3.00: *Privacy and Confidentiality*; and 201 CMR 17.00: *Standards for the Protection of Personal Information of Residents of the Commonwealth*.

57.08: Guidance

Further guidance on administration of the RAFT program is provided in the RAFT Administrative Plan.

57.09: Severability

The provisions of 760 CMR 57.00 are severable. If any provisions of 760 CMR 57.00 or the applications of such provisions to any person or circumstance are held invalid or unconstitutional, the other provisions of 760 CMR 57.00, or the application of such provisions to any person or circumstance other than that as to which it is held invalid or unconstitutional, will not be affected thereby.

REGULATORY AUTHORITY

760 CMR 57.00: M.G.L. c. 23B, §§ 3 and 6; St. 2022, c.126, § 2, Line Item 7004-9316