

760 CMR 57.00 RAFT COVID-19 Emergency Regulations

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 this regulation 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. Expediently processing applications for this assistance will help at-risk families to preserve safe and stable housing.

57.01: Purpose of Regulations: The purpose of 760 CMR 57.00 is to establish 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 RAFT applications.

57.02: Scope and Applicability: Notwithstanding anything in 760 CMR 57.00 to the contrary, these regulations apply to all persons who have applied for RAFT benefits or intend to apply for RAFT benefits during the state of emergency.

57.03: Eligibility: RAFT applicants who are receiving MassHealth benefits or Department of Transitional Assistance (DTA) administered benefits will be presumed income eligible for RAFT 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 disclose Eligibility Information, including personal data, as defined in section 1 of chapter 66A, protected health information defined in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its attendant regulations at 45 CFR 160 and 164, and any other personal information.

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 disclose Eligibility Information, including personal data, as defined in section 1 of chapter 66A, eligibility, income, wage, and other personal information, as necessary, for DHCD and its contracted regional administering agencies to expediently process RAFT applications.

57.06 Eligibility Information

For the purposes of this regulation, 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 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 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, “Massachusetts Fair Information Practices Act;” M.G.L. c. 93H, Security Breaches; 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 Expiration: This emergency regulation shall expire 90 days after the state of emergency concerning the novel coronavirus disease outbreak declared by the governor on March 10, 2020 is lifted, unless further extended.

57.10 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
M.G.L. c. 23B §§ 3 and 6.