



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

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

To: LHA and RAA (AA) Executive Directors Administering State Rental Assistance
From: Brendan Goodwin, Director, Division of Rental Assistance
Date: July 14, 2021
RE: **End of COVID-19 State of Emergency Guidance for All State Rental Assistance Programs (MRVP, AHVP, DMHRSP)**

Throughout the State of Emergency declared due to the COVID-19 pandemic and continuing until July 14, 2021, DHCD has waived various state rental assistance regulations and policies. A full list of waivers for all state rental assistance programs, including the Alternative Housing Voucher Program (AHVP), Department of Mental Health Rental Subsidy Program (DMHRSP), and Massachusetts Rental Voucher Program (MRVP), can be found here: <https://www.mass.gov/info-details/covid-19-dhcd-website#guidance-for-rental-voucher-holders-and-administering-agencies->.

Since the State of Emergency ended on June 15, 2021, DHCD has carefully evaluated current program policies and guidance to determine which should remain in effect permanently and which should be rescinded, including how to do so in a way that is both fair to participants and not unduly burdensome to AAs. This guidance reflects those decisions. Unless otherwise noted, the following guidance applies to all state rental assistance programs, including AHVP, DMHRSP, and MRVP.

Highlights include:

- DHCD expects all AAs to be fully operational as of July 14, 2021. AAs may continue to allow staff to work remotely, if applicable, but the AAs must be able to meet all contractual duties when administering state rental assistance as of July 14, 2021.
- For all units submitted after July 14, 2021, the AA must obtain verification that the unit has passed inspection prior to occupancy. Units leased during the State of Emergency do not need to be inspected.
- For all mobile vouchers that were set to expire during the State of Emergency and/or were issued during the State of Emergency, a new mobile voucher must be re-issued by August 15, 2021 with an updated expiration date of December 16, 2021.
- AAs may move forward with terminations beginning July 14, 2021 and must review all delayed terminations by October 15, 2021.
- If a program participant provides appropriate income verification, AAs do not need to mail out paper third party verifications.

Return to Standard Program Policy

The following guidance shall replace previously issued guidance as of the July 14, 2021. Implementation procedures and timelines are listed below.

Applicant/Participant Requests to Supply Information and Verify Income and Assets

- As of July 14, 2021, AAs may give applicants/participants final notice to supply requested information within the AA's standard time frame.
- As of July 14, 2021, AAs shall begin requesting standard verification documents within the AA's standard timeframe. Previously requested documents shall continue to be accepted until August 15, 2021.
- As of July 14, 2021, the following documents, and others that AAs may have been accepting during the State of Emergency, shall no longer be accepted:
 - Bank statements in lieu of benefits letters, unemployment statements, and paystubs;
 - Self-certification of income, assets, and/or deductions;
 - Unemployment check stubs and/or paystubs that are non-consecutive and/or fewer than required by standard program policies; and
 - Unemployment verification without gross payment and deductions listed.
- As of July 14, 2021, for any household claiming zero income, AAs shall endeavor to contact the household every six months to inquire about income and request bank statements. AAs must also endeavor to independently verify that no adult household member is receiving unemployment and/or Department of Transitional Assistance benefits. Any zero income households that have not been contacted since before January 14, 2021 must be contacted by October 15, 2021.
- As of July 14, 2021, AAs shall require all adult household members claiming zero income to sign a form acknowledging that they have zero income. AAs may collect these statements at the next recertification following July 14, 2021.
- For MRVP only: Effective at the first annual recertification following July 14, 2021, AAs shall annualize participant income for household members that have predictable seasonable income.

Notarized Documents

- As of July 14, 2021, AAs may begin requesting notarized documents, as required by standard program policies. Previously requested documents shall continue to be accepted until August 15, 2021.

Interim Changes to Tenant Rent Share

- As of July 14, 2021, AAs shall lower tenant rent share effective the first of the month following when the decrease in net income was reported.
- As of July 14, 2021, for any previous decrease in net income not yet reported, AAs shall lower tenant rent share effective the first of the month following when the decrease in net income was reported.

- As of July 14, 2021, AAs shall not retroactively lower tenant rent share, except in the case of reasonable accommodation, domestic violence, AA error, or other reason as allowed by standard program policy.
- For households that did not appropriately report increases in income during the State of Emergency, the AA shall determine if they believe the household committed an error or fraud and proceed as follows:
 - **If the AA believes the household committed an error, if necessary, tenant rent share shall be increased with at least 30 days written notice provided. No repayment agreement shall be offered, and termination shall not be pursued;**
 - If the AA believes the household committed fraud, the AA shall pursue termination following standard program policies; and
 - If an AA discovers that a household did not report an increase in income prior to the State of Emergency, standard program policies shall apply and termination and/or a repayment agreement may be pursued, as appropriate.
- For DMHRSP only: As of July 14, 2021, AAs shall only process interim rent adjustments due to decreases in income of over 30% as outlined in DMHRSP guidance. Requests submitted, but not completed, before July 14, 2021 may be processed.

Annual Recertifications

- As of July 14, 2021, AAs must complete annual recertifications on time for all participant households. If an annual recertification cannot be completed due to non-response of the household, appropriate next steps as outlined in standard program policies shall be followed.
- As of July 14, 2021, AAs shall not retroactively complete annual recertifications, except as allowed by standard program policy.
- Recertifications that were not completed during the State of Emergency must be completed by September 15, 2021, unless it cannot be completed due to non-response of the household, in which case appropriate next steps as outlined in standard program policies shall be followed.
- For households that did not appropriately report increases in income during the State of Emergency, the AA shall determine if they believe the household committed an error or fraud and proceed as follows:
 - **If the AA believes the household committed an error, if necessary, tenant rent share shall be increased with at least 30 days written notice provided. No repayment agreement shall be offered, and termination shall not be pursued;**
 - If the AA believes the household committed fraud, the AA shall pursue termination following standard program policies; and
 - If an AA discovers that a household did not report an increase in income prior to the State of Emergency, standard program policies shall apply and termination and/or a repayment agreement may be pursued, as appropriate.
- For DMHRSP Only: For all leases that renew on or after September 15, 2021, all new requests for rent increases must be made at least 60 days prior to lease renewal, as required by standard DMHRSP program policy.

Tenant Rent Share Grievances

- All grievances arising from redetermination of tenant rent share at any time during the state of emergency but not yet submitted to the AA must be submitted by July 29, 2021.
- For all tenant rent shares redetermined on or after July 14, 2021, tenant rent share grievances must be submitted with 15 days of the redetermination.

Voucher Search Period

- For all mobile vouchers that were set to expire during the State of Emergency and/or were issued during the State of Emergency, **a new mobile voucher must be re-issued by August 15, 2021 with an updated expiration date of December 16, 2021.**
- **Any vouchers newly issued on or after July 14, 2021 shall expire in 120 days plus 3 days for mailing, as outlined in standard program policy.**

Inspections

- For all units submitted to an AA for leasing on or after July 14, 2021, the owner of the unit must submit verification that the unit has passed inspection prior to occupancy.
- **For all units for which owners were not required to provide evidence that the unit had passed inspection prior to occupancy during the State of Emergency, an inspection does not need to be completed retroactively.**

Guests and Absences from the Unit

- As of July 14, 2021, the duration of the stay of guests is limited to standard program policy.
- As of July 14, 2021, households may not be out of their unit longer than allowed by standard program policies.

Eligibility

- As of July 14, 2021, AAs may give applicants final notice to supply information within the AA's standard timeframe.
- As of July 14, 2021, applicants may be found ineligible for non-response and/or failure to provide information, as outlined in standard program policy.
- As of July 14, 2021, any eligibility determinations that were suspended by request of the applicant may be scheduled.
- As of September 15, 2021, all suspended eligibility determinations must be reviewed by the AA.
- As of July 14, 2021, any applicant found ineligible on or after February 15, 2020 has until July 29, 2021 to request a private conference.

Terminations

- As of July 14, 2021, any informal settlement conferences and/or grievance hearings that were delayed due to the State of Emergency may be scheduled.
- As of October 15, 2021, all informal settlement conferences and/or grievance hearings that were delayed due to the State of Emergency must be scheduled by the AA.
- As of July 14, 2021, AA shall begin to terminate households under standard program policies.

- As of October 15, 2021, any terminations that were in process and/or any terminations delayed due to the State of Emergency must be reviewed by the AA and appropriate next steps taken. Please see below for considerations based on reason for termination.

MRVP and AHVP	
Reason for Termination	Additional Considerations
Voluntary	None.
Over-Income	Any households found over-income during the State of Emergency shall have their income reviewed again by October 15, 2021. If appropriate, the household shall be terminated with notice given as required by standard program policies.
Failure to Comply with a Repayment Agreement*	As of July 14, 2021, AAs may begin requesting and expecting payment as outlined in a repayment agreement. By October 15, 2021, AAs shall bring all repayments agreements current or pursue termination following standard program policies.
Eviction for Cause*	None.
Criminal Activity	None.
Failure to Comply with Voucher*	None.
Abuse Towards AA	None.
Failure to Provide Information (including Failure to Recertify)*	As of July 14, 2021, AAs may give applicants/participants final notice to supply requested information within the AA's standard time frame. If not received, AAs shall pursue termination. AAs <u>must</u> send a final notice that states that if the household does not supply information, then they will be terminated prior to terminating the household.
Falsified Application	None.
Unit is Not Sole Residence*	None.
Illegal Drug Use	None.
Voucher Expiration	For all mobile vouchers that were set to expire during the State of Emergency and/or were issued during the State of Emergency, a new mobile voucher must be re-issued by August 15, 2021 with an updated expiration date of December 16, 2021.
Death of the Only Household Member	Termination shall be effective the first of the month following the death. Any subsidy payments made for a month following the death shall be recouped by the AA. Termination notice, if not sent, shall be sent as soon as possible.

MRVP Only	
Reason for Termination	Additional Considerations
Failure to Report Changes in Income or Household Composition*	<p>For households that did not appropriately report increases in income during the State of Emergency, the AA shall determine if they believe the household committed an error or fraud.</p> <ul style="list-style-type: none"> • If the AA believes the household committed an error, if necessary, tenant rent share shall be increased with at least 30 days written notice provided. No repayment agreement shall be offered, and termination shall not be pursued; • If the AA believes the household committed fraud, the AA shall pursue termination following standard program policies; and • If an AA discovers that a household did not report an increase in income <u>prior</u> to the State of Emergency, standard program policies shall apply and termination and/or a repayment agreement may be pursued, as appropriate.
Vacating or Abandoning a Unit*	<p>If a unit is still vacant after August 15, 2021, termination shall be pursued and voucher payments shall stop.</p> <p>AAs are not required to recoup voucher payments made to vacant units during the State of Emergency, although they may do so at their discretion.</p>
Refusing an Offer of Housing Assistance (PBV Only)*	None.
No Longer Residing in the Unit (PBV Only)*	<p>If a unit is still vacant after August 15, 2021, termination shall be pursued and voucher payments shall stop.</p> <p>AAs are not required to recoup voucher payments made to vacant units during the State of Emergency, although they may do so at their discretion.</p>
Intentional Damages	None.

AHVP Only	
Reason for Termination	Additional Considerations
Fraud Against AHVP and Other State Programs*	None.
Interference with the Right of Peaceful Enjoyment*	None.
Destruction of Property	None.
Substantial Threat to Health and Safety*	None.
Non-Payment of Rent*	None.
Failure to Meet Lease Terms*	None.

* Please see appropriate [MRVP](#) and [AHVP](#) guidance for additional considerations prior to termination.

Permanent Guidance and Program Policies

The following guidance issued during the state of emergency shall be made permanent and will continue to apply to all state rental assistance programs.

- **If a program participant provides appropriate income verification, AAs do not need to mail out paper third party verifications.** Paper third party verifications, such as verification forms sent to employers, the Department of Transitional Assistance (DTA), and the Department of Unemployment Assistance (DUA), do not need to be sent if the program participant provides appropriate income verification. Appropriate verification varies depending on the situation and can include, but is not limited to, consecutive paystubs and recent benefit letters.

Applicants and participants may also submit verification through alternative means. This could include submitting screen shots, pictures, or PDFs of benefit letters, pay stubs, receipts, etc. It could also include submitting emails or phone calls in the place of formal letters (such as an email from an employer stating an employee was laid off in the place of a formal letter).

- **Phone calls may be accepted, if appropriate, as verification of income and expenses, and a written record must be collected.** Such written record, which can be an email, statement, or file note, shall include the date, time, person speaking to and their position (if applicable), and information relayed in the call. As appropriate, AAs will keep an electronic communications log of calls with participants and will save participant emails in participant's electronic or paper file.
- **AAs are encouraged to complete eligibility, interim reexaminations, and annual recertifications via phone, mail, email, videoconferencing, or some combination of these options. Similarly, AAs shall not require in person eligibility screening or voucher issuance.** DHCD is permanently offering AAs the flexibility to decide which method of communication is appropriate for their individual agency and each participant. With that said, AAs must be compliant with all [CORI regulations](#) and appropriately verify applicant/participant identity prior to running a CORI.
- **Informal settlement conferences, pre-termination meetings, and grievance hearings shall be held remotely when possible.** If the remote meeting becomes unfeasible or there appears to be confusion, the meeting shall be ended and postponed. After a failed attempt at a remote meeting, the AA shall have discretion to require an in-person meeting. Applicants/participants may also request an in-person meeting, and the AA shall honor their request, if feasible.
- **AAs may accept electronic signatures from applicants and participants, including on releases of information.** Electronic signatures come in various forms and can include, but are not limited to, DocuSign, signatures embedded in PDFs, and similar electronic means. AAs can also accept an electronic signature in the form of an email from an applicant/participant stating, "Please consider this email to be my signature on [title] document." Any electronic signature, including an email, shall be documented in the applicant/participant's file, either electronically or on paper. Note that AAs must be in compliance with all CORI regulations.

- Guidance on enhanced benefits issued during the State of Emergency shall remain in effect.
 - AAs shall continue to disregard any temporary enhanced benefit when calculating income for the purposes of eligibility for state rental assistance programs.
 - AAs shall continue to include any temporary enhanced benefit when calculating income for the purposes of tenant rent share determination for state rental assistance programs.
 - Enhanced benefits include expanded unemployment insurance eligibility and increased benefits.
 - Enhanced benefits do not include stimulus payments or tax credits, including increased child tax credits or expanded Earned Income Tax Credits (EITC).
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