



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

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

To: LHA and RAA Executive Directors Administering Department of Mental Health Rental Subsidy Program (DMHRSP) and Service Providers
From: Brendan Goodwin, Director, Division of Rental Assistance
Subject: DMHRSP COVID-19 Program Waivers and Guidance
Date: April 17, 2020
CC: DMH Central Office and Area Housing Coordinators

DHCD is committed to providing housing assistance during this time of uncertainty. DHCD is waiving various DMHRSP regulations and policies, as described in the guidance below. These policy changes will be in effect during the “state of emergency,” or until otherwise updated by further notice.

- DHCD is extending the 120 day time period a voucher holder has to locate a unit.
- Any government stimulus payments made directly to an individual shall be excluded from gross income and there will be no requirements of individuals to notify Administering Agencies (AAs) of receipt of such payments.
- DHCD is temporarily suspending DMHRSP subsidy terminations. This suspension of terminations is provisional and subject to review at any time.

General Considerations

- AAs shall give all clients and service providers additional time to supply requested information.
- AAs may do all eligibility and recertifications via the mail or remotely with the assistance of the service providers.
- AAs shall be flexible with clients and service providers when verifying income and expenses (especially medical expenses). Households may have highly variable income and expenses during this time.
- If an AA cannot accept phone messages and email during a closure or remote working, the AA shall assume that all clients and service providers promptly attempted to report changes in household income and composition.
- AAs shall endeavor to handle interactions with clients and service providers electronically, in recognition that, even if not officially quarantined or ill, clients may be uncomfortable leaving their home and service providers may not be able to meet with clients.
- Clients may need to vacate their unit and/or be out of their unit for more than 30 days due to COVID-19. This could be due to hospitalization, quarantine, or the need to care for others.

Denial of Eligibility

760 CMR 38.05 and 38.06

If AAs have the ability to continue to conduct eligibility determinations, they shall continue to do so, with the following considerations:

- AAs may not determine a client is ineligible due to lack of response from the client or service provider during the state of emergency.
- AAs shall suspend eligibility determination until after the state of emergency if requested by a client or service provider.
- AAs shall give clients and service providers additional time to submit documentation.
- Any client found ineligible on or after February 15, 2020 shall be given until the end of the state of emergency to request a private conference.
- AAs shall not require in person voucher issuance.

Voucher Search Period and New Occupancy

Due to the state of emergency, DHCD will extend the 120 day time period a Tenant based voucher holder has to locate a unit. This means that the clock will effectively be frozen for any vouchers issued prior to or during the emergency. DHCD will release additional guidance after the state of emergency clarifying the extension times and how to calculate new voucher expiration dates.

Whenever feasible, DHCD encourages AAs to continue processing any Request for Lease Approvals (both Sponsor based and Tenant based) submitted during the state of emergency. However, a client may be unable or unwilling to relocate during the state of emergency.

Government Stimulus Payments and Changes to Income

760 CMR 38.05 (1) (a) and (2) (a), 38.07 (3) and (4)

Any government stimulus payments other than unemployment insurance payments made directly to household members shall be excluded from gross income. Clients and service providers are not required to report this income to AAs. However, unemployment insurance payments shall continue to be included in gross income.

Additionally, while increases of monthly income of only 30% or more should be reported to the AA, **DHCD is temporarily waiving the limitation on decreases of income so that clients and service providers may voluntarily submit a decrease of any amount** to the AA in order for an interim reexamination to adjust the client's occupancy charge to be completed. Note that the decrease in net income may result from decreased gross income or increased deductions (such as medical expenses). This waiver is temporary and in effective until further notice.

Occupancy Charge Grievances

760 CMR 38.07

During the state of emergency, AAs shall give clients until the end of the state of emergency to submit occupancy charge grievances.

Repayment Agreements

760 CMR 38.07 (4)

Clients shall not be terminated for failure to comply with repayment agreements during the state of emergency. Furthermore, after the state of emergency, AAs may have to recalculate repayment agreements based on changes to household income.

Rent Increase

Rent increase requests should continue to be processed in accordance with DHCD guidance, including any and all criteria except for the limited waiver outlined here. As a reminder, the property owner's notice must be in writing (email is acceptable) to the tenant on lease (ex. the service provider in a sponsor based unit) and will be reviewed by the AA upon receipt, even if there is a delay due to the current state of emergency. In addition, **DHCD is providing a waiver to reduce the timeframe for the rent increase requests from 60 days to 30 days for lease renewal dates 5/1/2020 or later.** For example, a request submitted on 3/15 or 4/1 for a 5/1 rent increase is acceptable. This waiver is effective through the "state of emergency" period and a closing memo will follow.

Any and all other criteria (except the above waiver) remains applicable. Rare situations of extenuating circumstances for any other criteria must be submitted by the service provider to DMH Central Office for review and submission to DHCD for consideration on a case by case basis.

To the extent that the provisions of 760 CMR 38.00 explicitly noted herein and previous DHCD guidance conflict with this guidance, this guidance supersedes the above noted provisions of 760 CMR 38.00 and previous DHCD guidance for as long as each waiver is in effect.

If you have any questions, please do not hesitate to contact Stephanie Kan, AHVP and DMHRSP Coordinator, at stephanie.kan@mass.gov.