



Commonwealth of Massachusetts
**EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES**

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus Jr., Secretary

Public Housing Notice 2025-04

To: All LHA Executive Directors
From: Fatima Razzaq, Acting Director Division of Public Housing
Subject: Blanket Waiver of 760 CMR 6.04 and 760 CMR 6.05: Rent Determination for Retroactive Social Security Payments Due to the Social Security Fairness Act
Date: March 26, 2025

In order to avoid unintended negative consequences on impacted beneficiary households and to reduce administrative burdens on Local Housing Authorities (LHAs), the Executive Office of Housing and Livable Communities (EOHLC) is waiving 760 CMR 6.04 : Rent Determination and 760 CMR 6.05: Determination of Gross Household Income and Net Household Income only to the extent necessary to exclude, as income for rent determination purposes, any one-time lump sum retroactive social security payment issued to state-aided public housing households as a result of the Social Security Fairness Act.

This waiver only applies to the one-time lump sum retroactive payments made as a result of the end of the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO).

The Social Security Fairness Act was signed into law on January 5, 2025. The Act ends the Windfall Elimination Provision (WEP) and Government Pension Offset (GPO), which were provisions reducing or eliminating Social Security benefits of people who receive a pension from work that was not covered by Social Security because they did not pay Social Security taxes.

Starting February 25, 2025, the Social Security Administration (SSA) began to provide one-time lump sum retroactive payments to eligible beneficiaries affected by the WEP and GPO. The one-time lump sum retroactive payments cover the increase in a recipient's benefit amount retroactive to January 2024, the month when WEP and GPO no longer apply. If a beneficiary is due retroactive benefits as a result of the Act, they will receive a one-time lump sum retroactive payment, deposited into the bank account SSA has on file, by the end of March.

More information from the SSA can be found at: [Social Security Fairness Act: Windfall Elimination Provision \(WEP\) and Government Pension Offset \(GPO\) update](#).

In addition to the one-time lump sum retroactive payments, beneficiaries impacted by the WEP and GPO may also receive higher monthly benefits which will be reflected in benefit payments starting April 2025. **Any ongoing increases to existing household Social Security payments must be included in rent re-determination.** Per 760 CMR 6.04(5)a, if the benefit change results in "the monthly gross Household

income of a Tenant Household increases by 10% or more from the amount contained in the most recent notice of rent as (re)determined by the LHA, the Tenant shall report any such increase, including any changes in income, exclusions and deductions” to be considered for an Interim Re-determination of Rent.

If you have questions, please contact your Housing Management Specialist.