



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

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

May 11, 2020

To all Local Housing Authorities

Re: Waiver of Rent Increases in State-Aided Public Housing During the COVID-19 Pandemic

On April 30, 2020, the Department of Housing & Community Development (DHCD) issued a previous waiver of its regulations at 760 CMR 6.04(4) (annual redetermination of rent) and 6.04(5)(a) (interim redetermination of rent) in support of a policy to ease the financial burden on both tenants temporarily receiving the Federal Pandemic Unemployment Compensation (FPUC) provided under Section 2104 of the CARES Act and those employed as essential workers whose income may have temporarily increased during the COVID-19 public health emergency. DHCD subsequently learned that, due to limitations in the systems used by Local Housing Authorities (LHAs) to calculate income and rent, this policy imposed a high administrative burden on LHAs. Accordingly, DHCD has revised its policy, and this current waiver rescinds and replaces the waiver dated April 30, 2020 regarding rent increases to align with the revised policy.

Notwithstanding anything to the contrary in 760 CMR 6.04(4) or 6.04(5)(a), for the months of June and July, 2020, rent for existing tenant households that have income from work or from FPUC will be capped at the amount charged to them for the month of March, 2020.

In addition, notwithstanding anything to the contrary in 760 CMR 6.04(4) or 6.04(5)(a), the \$600.00 per week FPUC must be excluded from the rent calculations for April and May, 2020. If an LHA previously included FPUC in its April and May rent calculations, it must provide a refund or credit to any affected tenant household. In addition, if after the date of this waiver a member of a tenant household receives a lump sum payment that includes FPUC accrued in April or May, then the FPUC accrued in April or May must be excluded from income.

This waiver shall take effect immediately and shall apply to any LHA administering state-aided public housing.

Please note that in accordance with guidance previously issued by DHCD, LHAs must continue to process interim rent determinations. Such determinations shall be processed in accordance with DHCD regulations, the rent charged shall be subject to the specific regulatory waivers described above. Similarly, for those LHAs that have conducted or will be conducting 2020 annual redeterminations, the rents charged as the result of those annual determinations may not exceed the amount charged for March, 2020 for the months of June and July for households that have earned income or FPUC, and any lump sum payment of FPUC that includes FPUC accrued in April or May must be excluded from income.

Additionally, the Department is waiving the provisions of 760 CMR 5.06(1) regarding the income eligibility of applicants for state-aided housing in order to exclude from an applicant's income the \$600.00 the Federal Pandemic Unemployment Compensation provided under Section 2104 of the CARES Act. This benefit also shall not be counted as income in the calculation of rent for applicants who sign a lease with an LHA between March 29, 2020 and July 31, 2020.

If you have questions, please contact Chris Devore, Assistant Director, Bureau of Housing Management, at christine.devore@Mass.Gov

Sincerely,

Jennifer D. Maddox

Jennifer D. Maddox
Undersecretary