

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

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

February 4, 2020

Sent via email to:

Local Housing Authorities
Regional Administering Agencies
Department of Mental Health
DHCD Shelter Providers

Re: Exclusion of Income from Temporary Employment by the U.S. Census Bureau for the 2020 Census

The Department of Housing and Community Development (DHCD) is pleased to provide this letter excluding income derived from temporary employment by the U.S. Census Bureau for the 2020 Decennial Census with regard to certain programs administered by DHCD, as further described below. The U.S. Census Bureau is temporarily employing thousands of people, many of whom are low-income, for the Decennial Census in 2020. In general, temporary 2020 Census Bureau employment is nonrecurring, for a limited period of time, and may last from a few weeks to several months¹. Typical positions are expected to last approximately four to eight weeks, and the hours are expected to range between 20 to 35 hours per week, although hours of work may be reduced if there is a lack of available work. The employment is not expected to lead to permanent positions and it may end at any time. As such, the Federal Government is encouraging public benefit programs to exclude income derived from temporary 2020 census employment when determining eligibility for these programs. Accordingly, DHCD here finds that certain regulatory waivers for the State-Aided Public Housing Program, the Department of Mental Health Rental Subsidy Program (DMHRSP), the Alternative Housing Voucher Program (AHVP), the Massachusetts Rental Voucher Program (MRVP), and the Emergency Housing Assistance (EA) Program, are necessary, in the public interest, and are not inconsistent with the purposes of our programs, in order to exclude income derived from temporary employment by the U.S. Census Bureau for the 2020 Decennial Census when determining eligibility for these programs. Please note that income for any individuals with permanent or non-temporary U.S. Census Bureau employment (i.e., not for a limited time) will not be excluded when determining program eligibility. In addition, this letter shall not serve as a determination as to whether a worker temporarily employed by the U.S. Census Bureau shall ultimately be found eligible for a particular program, and all program applicants and participants shall remain subject to all program criteria not expressly waived herein.

Accordingly, DHCD is providing the following regulatory waivers which shall take effect immediately, shall apply to any determination of eligibility or determination of income occurring on or after the date of this letter, and shall apply to the below regulations as they are in effect on this date. Please note that any income derived from temporary employment by the U.S. Census Bureau for the 2020 Decennial Census that individuals may have already received as of the date of this letter shall be disregarded.

¹ See also HUD PIH 2017-05 for additional guidance. Local Housing Authorities administering Federal rental assistance and/or public housing should consult HUD guidance for applicable requirements.

State-Aided Public Housing

1. 760 CMR 6.05(1) and (2)(a): Determination of Income for Purposes of Program Eligibility, Contract Rent, Occupancy Charges, and Subsidy Amount

“(1) The Computation of Net Household Income. Rent is a percentage of net household income, as provided in 760 CMR 6.04(1), (25%, 27%, 30%, or 32% except as provided in 760 CMR 6.04(1)(c) and (d)). In order to determine net household income, the LHA shall first determine gross household income. Gross household income includes the income items set out in 760 CMR 6.05(2) and excludes the non-income items set out in 760 CMR 6.05(3). The deductions set out in 760 CMR 6.05(4) are deducted from gross household income so computed, and the result is net household income.

(2) Inclusions in Gross Household Income. Gross household income shall be the total of the following items: (a) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.”

Notwithstanding anything to the contrary set forth in 760 CMR 6.05(1) and (2)(a), the determination of the gross household income and the net household income for State-Aided Public Housing shall exclude any wages, salaries, or other income, however it may be characterized, that may derive from **temporary** U.S. Census Bureau employment payments for the 2020 Decennial Census. As a result, both the determination of program eligibility under 760 CMR 5.06(2) and (3) and the determination of rent under 760 CMR 6.04(1) shall similarly exclude from consideration any wages, salaries, or other income, however it may be characterized, that may derive from **temporary** U.S. Census Bureau employment payments for the 2020 Decennial Census. As set forth below, this regulatory waiver shall also apply to the Department of Mental Health Rental Subsidy Program (DMH RSP) under the applicable provisions of 760 CMR 38.00 and to the Alternative Housing Voucher Program (AHVP) under the applicable provisions of 760 CMR 53.00.

Department of Mental Health Rental Subsidy Program (DMHRSP)

1. 760 CMR 38.07(3): Determination of Income for Purposes of Program Eligibility, Contract Rent, Occupancy Charges, and Voucher Payment

“(3) A Client's net Household income shall be determined in the manner provided in 760 CMR 6.05(2), (3) and (4). Each Client shall pay an Occupancy Charge for a Residence Unit, which shall be 30% of the Client's net Household income if the Client must pay for any Utilities; or which shall be 35% of the Client's net Household income if the Client is not required to pay for any Utilities.”

Notwithstanding anything to the contrary set forth in 760 CMR 38.07(3), the determination of the Client's net Household income and the monthly Occupancy Charge for a Residence Unit shall exclude any wages, salaries, or other income, however it may be characterized, that may derive from **temporary** U.S. Census Bureau employment payments for the 2020 Decennial Census. As a result, the determination of client eligibility under 760 CMR 38.05(1)(a) and (2)(a) shall similarly exclude any wages, salaries, or other income, however it may be characterized, that may derive from **temporary** U.S. Census Bureau employment payments for the 2020 Decennial Census.

Alternative Housing Voucher Program (AHVP)

1. 760 CMR 53.06(1): Determination of Income for Purposes of Program Eligibility, Contract Rent, and Voucher Payment

“(1) Income. A household's net household income shall be determined in the manner specified in 760 CMR 7.00, Determination of Rents in State-Aided Public Housing.”

Notwithstanding anything to the contrary set forth in 760 CMR 53.06(1), the determination of AHVP Participant's Net Household Income, the monthly income of the household, and the value of the Voucher shall exclude any wages, salaries, or other income, however it may be characterized, that may derive from **temporary** U.S. Census Bureau employment payments for the 2020 Decennial Census. As a result, the determination of program eligibility for AHVP, including the selection of applicants under 760 CMR 53.04(1), the determination of the value of the Voucher under 760 CMR 53.06(2), and the redetermination of income under 760 CMR 53.06(4) shall similarly exclude any wages, salaries, or other income, however it may be characterized, that may derive from **temporary** U.S. Census Bureau employment payments for the 2020 Decennial Census.

Massachusetts Rental Voucher Program (MRVP)

1. 760 CMR 49.05(5)(a) and (b): Determination of Income for Purposes of Program Eligibility, Contract Rent, Occupancy Payments or Charges, and Voucher Payment

"For the purpose of determining the amount of a voucher payment, a participant's net income shall be determined as follows, unless otherwise required by the MRVP budget line item Language governing program administration in any fiscal year:

(a) Gross Income. A participant's gross income means the income from all sources of the head of household and each additional member of the household, which is anticipated to be received during the 12 months following admission or redetermination of household income.

(b) Inclusions in Gross Household Income. Gross household income shall be the total of the following items:

1. One half of the earned income of household member who is the dependent of another household member and who is 18, 19 or 20 years of age shall be included in a participant's gross income.

2. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services. ..."

Notwithstanding anything to the contrary set forth in 760 CMR 49.05(5)(a) and (b), the determination of the net income, Gross Income, and the Gross Household Income for MRVP shall exclude any wages, salaries, or other income, however it may be characterized, that may derive from **temporary** U.S. Census Bureau employment payments for the 2020 Decennial Census. As a result, the determination of program eligibility for MRVP under 760 CMR 49.03(1) and the determination of the voucher payment under 760 CMR 49.05(7)(b)(2) shall similarly exclude any wages, salaries, or other income, however it may be characterized, that may derive from **temporary** U.S. Census Bureau employment payments for the 2020 Decennial Census.

Emergency Housing Assistance (EA) Program

1. 760 CMR 67.02(5)(a)(b): Determination of Income for Purposes of Program Eligibility, Conditions for Shelter Benefits, and the Benefit Amount

"Emergency Assistance may be provided, in accordance with the timetable in 760 CMR 67.08, on behalf of a needy child under the age of 21 or a pregnant woman without any needy children and other members of the household provided the following criteria are met. ..."

(5) (a) The household must meet the gross monthly eligibility standards that are based on household size and are adjusted annually based on 115% of the Federal Poverty Level. These standards are posted at www.mass.gov/dta and viewed by selecting the Program Eligibility Charts and Tables link under Key Resources. Paper copies are available upon request.

(b) Gross income for an EA applicant shall be determined in accordance with 106 CMR 204.210 through 204.230; 204.240(A) and (B); 204.250(A)(2) through 204.250(QQ); and 204.290. Receipt of Lump Sum

Income in accordance with 106 CMR 204.240 shall not activate either the requirements of 106 CMR 204.240(C) and (D) or the six-month period of continued shelter benefits as described in 760 CMR 67.02(5). After all applicable exclusions are made in accordance with 106 CMR 204.240(B), the remaining Lump Sum Income shall be treated as an asset in accordance with 760 CMR 67.02(6). TAFDC, EAEDC, and SSI are countable income."

Notwithstanding anything to the contrary set forth in 760 CMR 67.02(5)(a) and (b), the calculation of income for EA shall exclude any wages, salaries, or other income, however it may be characterized, that may derive from **temporary** U.S. Census Bureau employment payments for the 2020 Decennial Census. As a result, the determination of program eligibility for EA under 760 CMR 67.01(5)(c) shall similarly exclude any wages, salaries, or other income, however it may be characterized, that may derive from **temporary** U.S. Census Bureau employment payments for the 2020 Decennial Census.

If you should have any further questions, please feel free to contact any of the following individuals:

For State-Aided Public Housing:

Laura Taylor, Director of the Bureau of Housing Management, at (617) 573-1289 or Laura.Taylor@mass.gov

For DMHRSP or AHVP:

Stephanie Kan, DMHRSP & AHVP Coordinator, at (617) 573-1222 or Stephanie.Kan@mass.gov

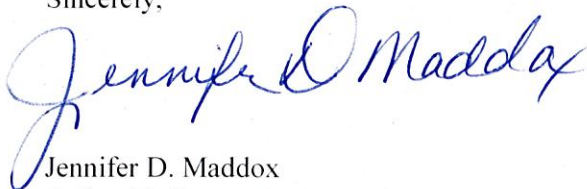
For MRVP:

Charlie Vasiliades, Housing Management Specialist, at (617) 573-1236 or Charlie.Vasiliades@mass.gov

For EA:

Alvina Brevard, Acting Associate Director, at (617) 573-1395 or Alvina.Brevard@mass.gov

Sincerely,



Jennifer D. Maddox
Acting Undersecretary