



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 State Rental Assistance Programs
From: Brendan Goodwin, Director, Division of Rental Assistance
Subject: Calculating Participant Income During COVID-19 (Revised)
Date: May 12, 2020

This notice supersedes the previous April 30, 2020 notice regarding Calculating Participant Income During COVID-19 and the related Calculating Participant Income During COVID-19 Q&A sent on May 6, 2020. This notice addresses concerns raised by stakeholders regarding implementation difficulties.

DHCD is waiving specific aspects of how income is counted, as described in the guidance below, in order to continue its commitment of providing housing assistance during this time of uncertainty. DHCD is specifically waiving 760 CMR 38.07(4), 760 CMR 49.05(7), and 760 CMR 53.06(4), as described below. **Absent further guidance from DHCD, these waivers will remain in effect until July 31, 2020.**

The following guidance applies to 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). Note that this guidance is in addition to previous COVID-19 guidance issued by DHCD, which is not repeated here. All of DHCD's guidance around COVID-19 can be found here: <https://www.mass.gov/info-details/covid-19-dhcd-website>.

Individuals who have lost their jobs are eligible for an enhanced unemployment insurance benefit of [\\$600 per week under the CARES act](#), in addition to the unemployment benefit which the Department of Unemployment Assistance typically provides under state law. This benefit is referred to as Federal Pandemic Unemployment Compensation (FPUC). Currently, this enhanced benefit lasts from March 29 or when an individual lost their job, whichever is later, to July 31, 2020. The enhanced benefit alongside traditional unemployment will exceed pre-pandemic working income for the majority of households in state rental assistance where a household member has lost their job.

FPUC At ELIBILITY

Until July 31, 2020, when calculating income for purposes of determining ELIBILITY for any state rental assistance programs, Administering Agencies (AAs) shall EXCLUDE FPUC.

FPUC When Determining TENANT RENT SHARE

When calculating tenant rent share for a participant in any state rental assistance program, **AAs shall count the full unemployment benefit and FPUC up to the participant's previous earned income, including any applicable deductions. Any amount of unemployment that exceeds the participant's previous earned income shall be excluded.** Absent further guidance, this waiver shall remain in effect until July 31, 2020.

For example, consider Richard, who is a participant in state rental assistance. He earned \$800 a week until March 19, 2020, when he was laid off from his job. He also used to pay \$100 a week in childcare costs while he worked. With FPUC, Richard is now receiving \$1,000 a week in unemployment and no longer paying for childcare. When determining tenant rent share, the AA shall count the full unemployment benefit and FPUC up to Richard's previous earned income, including any applicable deductions. This means that when the AA determines Richard's tenant rent share, the AA shall count \$700 a week of unemployment income. \$700 a week was Richard's previous earned income, including his childcare deduction.

Note the following:

- Participants may request that the AA redetermine their tenant rent share when FPUC ends.
- As outlined in previous guidance, if requested, AAs shall redetermine tenant rent share when it benefits the participant.
- If an AA has already determined someone's tenant rent share and included the full \$600 FPUC, the AA shall amend that determination for the months of April, May, and/or June and provide a reimbursement of any overpaid tenant portion.
- AAs must give participants at least 30 days' notice when increasing tenant rent share.

Increases in EARNED Income

Until July 31, 2020, unless a household is zero income, all increases in earned income that occurred after March 1, 2020 shall not be counted until the next annual recertification.

For example, consider Ben, who is a participant in state rental assistance. Ben works for his local grocery store. His income has increased since March 1, 2020 because his hourly wage has gone up, and he is working more hours. His normal annual recertification date is May 1. None of those increases to earned income shall be counted towards his tenant rent share until his next annual recertification on May 1, 2021.

Consider also Valda. Valda's household has had zero income since January 2020. In April 2020 she got a job with a delivery company. Her increase in earned income will be counted towards tenant rent share because her household was zero income.

To the extent that the provisions of 760 CMR 38.07(4), 760 CMR 49.05(7), and 760 CMR 53.06(4) explicitly noted herein and previous DHCD guidance conflict with this guidance, this

guidance supersedes the above noted provisions of 760 CMR 38.07(4), 760 CMR 49.05(7), 760 CMR 53.06(4), and previous DHCD guidance for as long as each waiver is in effect.

If you have any questions, comments, or concerns, please do not hesitate to contact Cecilia Woodworth, Assistant Director of State Programs, at cecilia.woodworth@mass.gov.