



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: Additional State Rental Assistance COVID-19 Guidance and Waivers
Date: June 1, 2020

DHCD is waiving various state rental assistance regulations and policies, as described in the guidance below in order to continue its commitment of providing housing assistance during this time of uncertainty. These policy changes will be in effect during the “state of emergency,” which began on March 10, 2020, or until otherwise updated by further notice.

Unless otherwise noted, 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, and does not void previous guidance issued. All of DHCD’s guidance around COVID-19 can be found here: <https://www.mass.gov/info-details/covid-19-dhcd-website>. Links to specific guidance are below.

- MRVP: <https://www.mass.gov/doc/guidance-for-administering-mrvp-during-covid-19-state-of-emergency/download>
- AVHP: <https://www.mass.gov/doc/guidance-for-administering-ahvp-during-covid-19-state-of-emergency/download>
- DMHRSP: <https://www.mass.gov/doc/guidance-for-administering-dmhrsp-during-covid-19-state-of-emergency/download>
- Calculating Participant Income During COVID-19
 - <https://www.mass.gov/doc/updated-512-state-rental-assistance-waiver/download>
 - <https://www.mass.gov/doc/updated-512-calculating-participant-income-for-all-state-rental-assistance-programs/download>
 - <https://www.mass.gov/doc/updated-512-fags-for-state-rental-assistance-programs-0/download>

Priorities During the State of Emergency

To the extent an AA is able to do so, the following shall be prioritized during the state of emergency:

- Processing requests to move into new units;
- Determination of eligibility and voucher issuance; and
- Processing of interims to lower tenant rent share.

Communication with participants is a priority during the state of emergency. DHCD urges all AAs to provide participants with easy and direct means to contact an appropriate staff person. These should include, whenever possible, direct phone numbers and email addresses. To the extent possible, AAs should return phone calls or emails promptly and provide participants with an accurate estimate of how long a response will take.

Annual Recertifications

DHCD urges all AAs to make their best effort to conduct annual recertifications on time. DHCD understands that some recertifications may be delayed either due to delays with the AA and/or delays with participants.

Please note the following:

- AAs should comply with all applicable Department of Public Health (DPH) and CDC guidelines as they relate to “social distancing” and in-person contact in scheduling and conducting recertification meetings for any participants.
- To that end, AAs are encouraged to complete recertifications via phone, mail, email, videoconferencing, or some combination of these options. DHCD is offering AAs the flexibility to decide which method is appropriate for their individual agency and each participant.
 - A written record of all phone calls must be collected. Such written record, which can be an email, shall include the date, time, person speaking to and their position (if applicable), and information relayed in the call.
 - The written record of all phone calls and print outs of emails shall be added to the participant’s file. If working remotely, this shall be done as soon as it is feasible to do so.
 - If sending forms to participants via the mail, **AAs are encouraged to include a self-addressed stamped envelope or postage-paid business response envelope, whenever possible**, so that participants may return information easily.
- AAs shall list alternative ways in which participants may verify their income if the AA’s traditional letters include requirements that are no longer feasible during the state of emergency. For example, if AAs previously required a copy of a benefit letter be brought to a meeting, the AA should also list alternative ways a participant may submit a benefit letter. See Verification of Income and Expenses below.
- As noted in previous COVID-19 guidance issued by DHCD, Participants shall not be terminated for failure to provide information during the state of emergency.
 - AAs shall edit participant letters to remove any threat that non-response during the state of emergency could lead to a termination of their rental subsidy.
- Late recertifications shall be made retroactively to the original recertification date if:
 - It benefits the participant; or
 - A rent increase was appropriately requested by the property owner (mobile MRVP vouchers only).

Interim Reexaminations

760 CMR 38.07(4); 760 CMR 49.05(7); 760 CMR 53.06(4)

In general, and unless otherwise noted in previous COVID-19 guidance or below, AAs shall follow set regulations and policies on conducting interim reexaminations.

If tenant rent share is increased, AAs must give participants at least 30 days' written notice.

As described below, AAs must verify changes in income prior to completing an interim reexamination.

Decrease in Net Income

A decrease in net income may be due any combination of the following:

- A decrease in earned income;
- A decrease in unearned income;
- A change in household composition; and
- An increase in deductions.

If a household reports a decrease in net income that happened during the state of emergency and was due to COVID-19, then the AA shall complete an interim reexamination effective the first of the month following the decrease in net income, regardless of when it was reported to the AA. For example, if a participant was laid off from their job on March 20 due to COVID-19 and did not report it to the AA until April 10, the AA would complete an interim reexamination removing the earned income effective April 1.

On the other hand, if the decrease in net income was not during the state of emergency or not due to COVID-19, the AA shall complete a normal interim reexamination following standard procedures. The effective date of the interim reexamination shall be the first of month following when the decrease was reported to the AA.

If a participant experiences a decrease in earned income, the AA shall inquire if the participant has applied for unemployment and, if applicable to their situation, encourage them to do so. AAs shall also remind participants of their obligation to report all changes in household income and composition.

Increase in Earned Income – Through July 31, 2020

As outlined in previous guidance, 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.

Increase in Earned Income – After July 31, 2020

Unless a household is zero income, increases in earned income shall continue to be counted following existing program regulations and policies. It is important to remember that in MRVP most increases in earned income are not counted until the next annual recertification (see pages 183-184 of the MRVP Administrative Plan).

Increase in Unearned Income

Unless a household is zero income, increases in unearned income shall continue to be counted following existing program regulations and policies. See below for additional guidance on unemployment income.

Decrease in Expenses or Deductions

Participants are not required to report decreases in expenses or deductions. Such decreases shall only be considered at the next annual recertification or if directly related to income. For example, if a household member is no longer a full-time student, any earned income shall not be counted until the next annual recertification. If a household member with childcare expenses, however, reports that they are no longer working, childcare expenses shall be removed when earned income is removed because a household member must be working to deduct childcare expenses.

Unemployment Income

When calculating tenant rent share for a participant in any state rental assistance program, as outlined in previous guidance, **AAs shall count the full unemployment benefit and Federal Pandemic Unemployment Compensation (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.

Zero Income Households

If a household is zero income, any increase in earned or unearned income shall be counted with an interim reexamination.

Verification of Income and Expenses

As needed, AAs may use alternative means of verification of income and expenses, which are described below. **AAs do not need to mail out paper third party verifications during the state of emergency.** If feasible, AAs shall continue to verify income and expenses electronically and shall continue to utilize WageMatch.

If/when an AA obtains appropriate verification of income, tenant rent share shall be adjusted moving forward. Any cases of error and/or fraud made during the state of emergency shall be handled appropriately after the state of emergency.

DHCD urges AAs to use the following hierarchy when verifying income and expenses:

1. Standard verification

Whenever feasible, AAs shall endeavor to collect standard verification for income and expenses.

2. Standard verification submitted through alternative means

Whenever feasible, the AA shall endeavor to collect standard verification, but through alternative means. This could include accepting screen shots, pictures, or PDFs of benefits letters, pay stubs, receipts, etc. It could also include accepting emails in the place of formal letters (such as an email from an employer stating an employee was laid off in the place of a formal letter).

3. Alternative verification

Whenever feasible, AAs shall endeavor to collect alternative verification. Alternative verification could include accepting bank statements in the place of benefits letters. Alternative verification could also include phone calls with a third party, such as an employer.

4. Self-certification

If other methods of verification are not available, the participant shall be able to self-certify to their income and expenses. It is preferable that participants self-certify their income in writing (email is fine). AAs may offer, but shall not require participants to utilize, a specific form. If a participant cannot self-certify their income in writing, they may do so via a phone call. AAs may attempt to verify self-certified income as soon as it is feasible to do so but are not required to do so.

Documenting Verification

A written record of all phone calls used to verify income or expenses must be collected. Such written record, which can be an email, shall include the date, time, person speaking to and their position (if applicable), and information relayed in the call. This written record of phone calls shall be added to the participant's file, as soon as it is feasible to do so.

As soon as it is feasible to do so, copies of all emails and electronically submitted verification shall be added to the participant's file.

Verification of Unemployment

Five consecutive check stubs with deduction information is not required to verify unemployment income during the state of emergency. Two weeks of payment is sufficient to establish unemployment amounts. AAs shall endeavor to obtain unemployment information with deductions. Gross unemployment amounts (pre-tax) shall be counted whenever possible. AAs do not need to verify unemployment directly with the Department of Unemployment Insurance.

Zero Income Households

For any household claiming zero income, the AA shall endeavor to contact the household every six months to inquire about income and request bank statements. AAs are encouraged, but not required, to obtain signed statements acknowledging zero income from adult household members during the state of emergency.

Seasonal Income

760 CMR 38.07(4); 760 CMR 49.05(5) and (7); 760 CMR 53.06(4)

For participants who have seasonal income and are no longer working, their seasonal income shall not be counted towards gross income until the participant is actively working again or their next annual recertification, whichever is later. If a participant begins to collect unemployment, that shall be counted towards gross household income (see additional guidance above).

Guests

760 CMR 49.02; 760 CMR 53.02

During the state of emergency, participants may have guests stay for longer than allowed under regular program rules. Note the following:

- This does not waive lease requirements. If a participant's lease has limits on guests, the participant should obtain permission from their property owner.
- This does not waive State Sanitary Code or any other local code or ordinance related to minimum space requirements.

Absence from the Unit

760 CMR 49.02; 760 CMR 53.02; 760 CMR 38.03(2) and 760 CMR 38.07(7)

During the state of emergency, participants may be absent from their unit for longer than allowed under regular program rules. Note the following:

- This does not waive lease requirements. **Participants should continue to pay their tenant rent share during an absence.**
- AAs shall continue to make subsidy payments to the property owner during extended periods of absence, unless they have been informed that the household does not intend to return to the unit.

Electronic Documents and Signatures

As outlined above, AAs shall, to the extent they are able, accept documents electronically from participants. Please refer to guidance that DHCD has released regarding the protection of Personally Identifiable Information (PII) for more information on protecting the privacy of participants.

AAs may also accept electronic signatures from participants, including on releases of information. Electronic signatures come in various forms. This includes DocuSign, signatures imbedded in PDFs, and similar electronic means.

Participants may also provide written indication, including via email, that they are agreeable to signing documents. For example, AAs may send documents by email and include instructions such as, "If you have access to a printer/scanner, please sign [list specific document], scan it and return it to this email address. If you do not have access to a printer/scanner, please indicate your agreement with the terms

of [list specific document] by writing in a return email, ‘Please consider this email to be an electronic signature of [list specific document].’” The email shall then be added in the participant’s file as soon as it is feasible to do so.

CORI Guidance

The Massachusetts Executive Office of Public Safety Department of Criminal Justice Information Services (DCJIS) has filed an emergency regulation relaxing the in-person identification requirements for accessing Criminal Offender Record Information (CORI) during the COVID-19 public health emergency. Briefly, the emergency regulation allows AAs to verify an applicant’s identity by inspecting a photographic copy of the applicant’s government issued identification document during a teleconference with the applicant. If the AA cannot verify an applicant’s identity by teleconference or through receipt of a notarized CORI acknowledgement form, the LHA may apply to the DCJIS to use an alternate means of identity verification. The emergency regulation is effective immediately and will terminate at the end of the COVID-19 emergency. You may read the DCJIS emergency regulation at https://www.mass.gov/doc/emergency-regulation-concerning-in-person-verification-of-identity-of-applicants/download?_ga=2.130375693.346687053.1586795949-810560373.1470014174.

Please be reminded that CORIs are not required for clients in sponsor-based DMHRSP units.

Closing, Questions, Comments, and Concerns

To the extent that the provisions of 760 CMR 38.00, 760 CMR 49.00, 760 CMR 53.00, the MRVP Administrative Plan, and the DMHRSP Guidance explicitly noted herein and previous DHCD guidance conflict with this guidance, DHCD has waived the above noted provisions of state rental assistance regulations, which is reflected in this 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.