



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 Alternative Housing Voucher Program (AHVP)
From: Brendan Goodwin, Director, Division of Rental Assistance
Subject: AHVP COVID-19 Program Waivers and Guidance
Date: March 25, 2020

DHCD is committed to providing housing assistance during this time of uncertainty. DHCD is waiving various AHVP regulations and policies, as described in the guidance below. These policy changes will be in effect during the “state of emergency,” or until otherwise updated by further notice.

- DHCD is extending the 120 day time period a voucher holder has to locate a unit.
- Until further notice, DHCD will not require evidence that a unit has passed inspection prior to occupancy. Units are still expected to comply with state building and sanitary codes.
- Any government stimulus payments made directly to an individual shall be excluded from gross income and there will be no requirements of individuals to notify Administering Agencies (AAs) of receipt of such payments.
- DHCD is suspending most subsidy terminations.

General Considerations

- AAs shall give all applicants and participants additional time to supply requested information.
- AAs may do all eligibility, issuance briefings, and recertifications via the mail or remotely.
- AAs shall be flexible with applicants and participants when verifying income and expenses (especially medical expenses). Households may have highly variable income and expenses during this time.
- If an AA cannot accept phone messages and email during a closure or remote working, the AA shall assume that all participants promptly attempted to report changes in household income and composition.
- AAs shall endeavor to handle interactions with applicants and participants electronically, in recognition that, even if not officially quarantined or ill, participants may be uncomfortable leaving their home.

Denial of Eligibility

760 CMR 53.04(1)

If AAs have the ability to continue to conduct eligibility determinations, they shall continue to do so, with the following considerations:

- AAs may not determine an applicant is ineligible due to lack of response during the state of emergency.

- AAs shall suspend eligibility determination until after the state of emergency if requested by an applicant.
- AAs shall give applicants additional time to submit documentation.
- Any applicant found ineligible on or after February 15, 2020 shall be given until the end of the state of emergency to request a private conference.
- AAs shall not require in person voucher issuance.

Voucher Search Period

760 CMR 53.07

Due to the state of emergency, **DHCD will extend the 120 day time period a voucher holder has to locate a unit.** This means that the clock will effectively be frozen for any vouchers issued prior to or during the emergency. DHCD will release additional guidance after the state of emergency clarifying the extension times and how to calculate new voucher expiration dates.

If feasible, AAs shall process any Request for Program Payments submitted during the state of emergency.

Inspection Certification

760 CMR 53.07(2)

Until further notice DHCD will not require evidence that a unit has passed inspection prior to occupancy. It is important to note that all units in Massachusetts are required to be in compliance with the state sanitary code.

Government Stimulus Payments

760 CMR 53.06(1)

Any government stimulus payments made directly to household members shall be excluded from gross income. Participants are not required to report this income to AAs. Unemployment insurance payments shall continue to be included in gross income.

Annual Recertification

760 CMR 53.06(3)

DHCD understands that some AAs may not be able to complete annual recertifications within the typically required timeframe. If necessary, DHCD will waive this requirement on a case by case basis.

Tenant Rent Share Grievances

760 CMR 53.09

During the state of emergency, AAs shall give participants until the end of the state of emergency to submit tenant rent share grievances.

Repayment Agreements

760 CMR 53.06(4)(b-c)

As outlined below, participants shall not be terminated for failure to comply with repayment agreements during the state of emergency. Furthermore, after the state of emergency, AAs may have to recalculate repayment agreements based on changes to household income.

Termination

760 CMR 59.03(3); 760 CMR 53.09

During the state of emergency, DHCD is suspending most terminations. This suspension of terminations is provisional and subject to review at any time by DHCD. DHCD is committed to continuing to provide assistance to those Participants who, through no fault of their own may be affected by administrative barriers or access to public safety and public health entities. This is not intended in any manner to ignore, sanction, or waive addressing criminal activity or fraud. DHCD remains committed to the safety and health of housing elements within our rental assistance programs. As such, DHCD's AAs are expected to use reasoned steps in delaying terminations based upon applicable program obligations and other policies. This suspension of terminations is not and shall not be construed as providing immunity, amnesty, or waiver of any violations by Participants.

After the state of emergency, the reason for termination shall be carefully reviewed and additional mitigating circumstances considered. Especially when reviewing evictions for cause, AAs shall carefully consider what role COVID-19 may have had on the participant.

Terminations already in process shall be suspended as well. Participants who were terminated just prior to the state of emergency shall be given until the end of the state of emergency to grieve their termination.

Pre-Termination Meetings

- Pre-termination meetings may be held remotely only if the participant agrees. If it becomes unfeasible or there appears to be confusion during a remote meeting, it shall be ended and postponed.

Termination Reason	Updated Policy
Voluntary Termination	Terminations may be delayed, unless requested by participant and feasible for the AA.
Over-Income Termination	Terminations shall be delayed through the state of emergency.
Failure to Comply with a Repayment Agreement*	Terminations shall be delayed through the state of emergency.
Fraud Against AHVP or Other State Programs*	Terminations shall be delayed through the state of emergency.
Eviction for Cause*	Terminations shall be delayed through the state of emergency.

Termination Reason	Updated Policy
Criminal Activity	Terminations shall be delayed through the state of emergency.
Failure to Comply with AHVP Voucher*	Terminations shall be delayed through the state of emergency.
Interference with the Rights to Peaceful Enjoyment*	Terminations may be delayed through the state of emergency at the AA's discretion.
Destruction of Property	Terminations shall be delayed through the state of emergency.
Substantial Threat to Health and Safety*	Terminations may be delayed through the state of emergency at the AA's discretion.
Non-Payment of Rent*	Terminations shall be delayed through the state of emergency.
Failure to Meet Lease Terms*	Terminations shall be delayed through the state of emergency.
Failure to Provide Information*	Terminations shall be delayed through the state of emergency.
Falsified Application	Terminations shall be delayed through the state of emergency.
Unit is Not Sole Residence*	Terminations shall be delayed through the state of emergency.
Illegal Drug Use	Terminations shall be delayed through the state of emergency.
Voucher Expiration*	Terminations shall be delayed through the state of emergency.
Death of Only Household Member	Terminations shall proceed on the same timeline, although notice may be delayed through the state of emergency.

* See below for additional considerations before proceeding with a termination, even after the state of emergency has ended.

Additional Consideration for Terminations—After the State of Emergency

After the state of emergency has ended, AAs shall carefully consider the following mitigating circumstances. **Termination may no longer be appropriate.**

- Households may experience sudden and unpredictable changes in earned income due to the COVID-19 crisis. Among other things, this could be due to:
 - Quarantine of themselves or a family member;
 - Sick leave for themselves or a family member;
 - Reduced hours;
 - Layoff; and
 - Inability to work due to changes in childcare or being in a high risk population.

- Participants who work in essential positions may see an increase in earned income due to increased hours or overtime pay.

- Medical expenses may increase without warning.
- Increased household expenses (unrelated to a subsidy) may make it harder for participants to pay their rent and/or remain in compliance with a repayment agreement.
 - Obtaining a two week supply of food and household goods can be extremely expensive, especially for low-income families.
 - This should be carefully considered when reviewing evictions for non-payment of rent.
- Participants may need to vacate their unit and/or be out of their unit for more than 30 days due to COVID-19. This could be due to hospitalization, quarantine, or the need to care for others.
- Participants may not report changes to income or household composition promptly due to COVID-19.
 - AAs may be closed or staff working remotely.
 - Participants may be stressed and focused elsewhere.
 - Participants may be unable to report changes due to quarantine or illness.
- Households may need additional time to submit requested documentation.
- AAs shall be sensitive to the stress COVID-19 may place on some participants.
- It may take households much longer to find a unit with their mobile voucher. See Voucher Search Period above.
- Households may be unwilling or unable to move during the state of emergency.

Grievance Hearings

- Informal settlement conferences and grievance hearings may be delayed, if necessary.
- Informal settlement conferences and grievance hearings must be held as soon as is feasible.
- Informal settlement conferences and grievance hearings may be held remotely only if the participant agrees. If it becomes unfeasible or there appears to be confusion during a hearing, it shall be ended and postponed.

To the extent that the provisions of 760 CMR 53.00 explicitly noted herein and previous DHCD guidance conflict with this guidance, this guidance supersedes the above noted provisions of 760 CMR 53.00 and previous DHCD guidance for as long as each waiver is in effect.

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