

Regulatory Rent Changes:

- Student Income – Exclude Half-Time Students
- PCAs – Who qualifies?
- **Asset Income**
- Payments to Support Household Members
- Gifts
- Stipends received by non-profit volunteers
- Employment training programs, on-the-job training and apprenticeships

- Elderly Wage Exclusion-recognize and exclude unemployment and workman's comp
- Exclude payments to and benefits from ABLE accounts– a tax free savings accounts for disabled individuals
- Annuity payments to veterans or their families under M.G.L c.115, sec6B
- Deduction of Tuition and Fees-Vocational for Post Secondary Education
- Child Support and Alimony

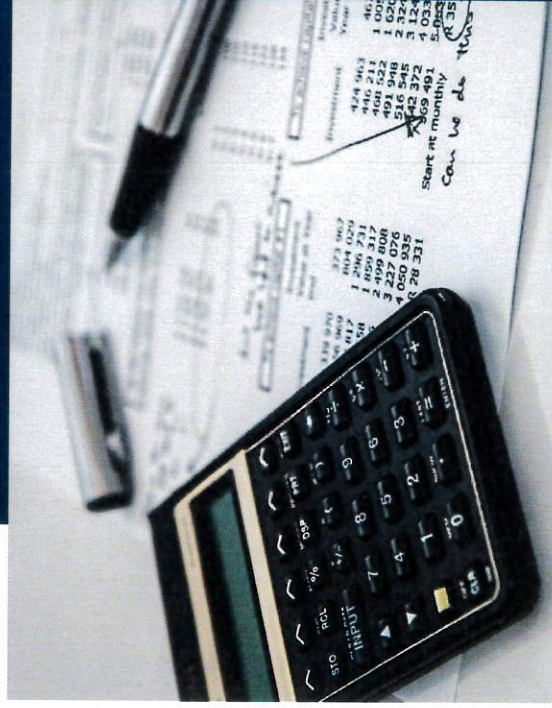
760 CMR 6.05 (2) Inclusions in Gross Household Income

- (c) Income of any kind from real or personal property including rent, dividends, and interest. Amortization of capital indebtedness and depreciation shall not be deducted in computing net income. Any realization of taxable capital gain on sale or transfer of an investment or other real or personal property shall be included in income. If the Household has marketable real or personal property with a fair market value exceeding \$25,000 (excluding any automobile used as the primary means of transportation by one or more Household Members), gross Household income shall include the higher of actual income derived from any such property or a percentage of the value of such property. This percentage shall be one percent or as otherwise determined from time to time by EOHLC and posted on EOHLC's website.



760 CMR 6.05 (2) Inclusions in Gross Household Income

- $\leq \$25,000$ include actual income
- $> \$25,000$ imputed or earned income, whichever is higher



Assets under or equal to \$25,000
vs.

Assets in excess of \$25,000

- The Bank's family has \$24,000 in assets
 - LHA includes actual income from the asset
- The Green family has \$27,000 in assets
 - LHA reviews actual income vs. imputed income and includes whichever is greater in household income
 - Tenant provides documentation of assets
 - LHA verifies assets
 - Interest earned on asset is verified to be \$500 vs. imputed interest (1%) is \$270
 - LHA includes \$500 in household income



Regulatory Rent Changes:

- Student Income – Exclude Half-Time Students
- PCAs – Who qualifies?
- Asset Income
- Payments to Support Household Members
- **Payments to Support Household Members**
- Gifts
- Stipends received by non-profit volunteers
- Employment training programs, on-the-job training and apprenticeships
- Elderly Wage Exclusion-recognize and exclude unemployment and workman's comp
- Exclude payments to and benefits from ABLE accounts– a tax free savings accounts for disabled individuals
- Annuity payments to veterans or their families under M.G.L c.115, sec6B
- Deduction of Tuition and Fees-Vocational for Post Secondary Education
- Child Support and Alimony

Payments to Support Household Members 760 CMR 6.05(2)(h).

Old Rule:

Payments for the support of a household member were only included in household income if they were for the support of a minor.

New Rule:

Any Payments for the support of a household member are included.

Regulatory Rent Changes:

- Student Income – Exclude Half-Time Students
- PCAs – Who qualifies?
- Asset Income
- Payments to Support Household Members
- **Gifts**
- Stipends received by non-profit volunteers
- Employment training programs, on-the-job training and apprenticeships

- Elderly Wage Exclusion-recognize and exclude unemployment and workman's comp
- Exclude payments to and benefits from ABLÉ accounts– a tax free savings accounts for disabled individuals
- Annuity payments to veterans or their families under M.G.L c.115, sec6B
- Deduction of Tuition and Fees-Vocational for Post Secondary Education
- Child Support and Alimony

760 CMR 6.05 (3) Exclusions from Gross Household Income

(a) **Contributions or gifts** received from non-Household Members that are more than \$5,000 in the aggregate in a 12-month period, provided that only the amount of the contributions or gifts that exceeds \$5,000 in the aggregate shall be included.



760 CMR 6.05 (3) Exclusions from Gross Household Income

At recertification, Jonah reports that he received some gifts and contributions during the last 12 months. These include:

- A \$1000 gift at Christmas from an Aunt
- A total of \$2000 over 3 months from his brother to help with bills.
- And \$3000 from a Go-Fund-Me account.



760 CMR 6.05 (3) Exclusions from Gross Household Income

How much of Jonah's gift income is included?

Answer:

\$1000

- Jonah received a total of \$6000
- LHA includes amounts over \$5000



Regulatory Rent Changes:

- Student Income – Exclude Half-Time Students
- PCAs – Who qualifies?
- Asset Income
- Payments to Support Household Members
- Gifts
- **Stipends received by non-profit volunteers**
- Employment training programs, on-the-job training and apprenticeships

- Elderly Wage Exclusion-recognize and exclude unemployment and workman's comp
- Exclude payments to and benefits from ABLE accounts– a tax free savings accounts for disabled individuals
- Annuity payments to veterans or their families under M.G.L.c.115, sec6B
- Deduction of Tuition and Fees-Vocational for Post Secondary Education
- Child Support and Alimony

760 CMR 6.05 (3) Exclusions from Gross Household Income

(h) Payments received by participants in programs pursuant to the Domestic Volunteer Service Act of 1973, 42 U.S.C. § 4950, et seq., or stipends received by volunteers for activities performed on behalf of a tax-exempt non-profit organization or foundation or an accredited educational or vocational institution. The amount of stipends to volunteers that shall be excluded may not exceed the total amount which would have been earned by a person working 20 hours per week at the minimum wage specified in M.G.L. c. 151, § 1.

760 CMR 6.05 (3) Exclusions from Gross Household Income

(h) Payments received by participants in programs pursuant to the Domestic Volunteer Service Act of 1973, 42 U.S.C. § 4950, et seq., or stipends received by volunteers for activities performed on behalf of a tax-exempt non-profit organization or foundation or an accredited educational or vocational institution. The amount of stipends to volunteers that shall be excluded may not exceed the total amount which would have been earned by a person working 20 hours per week at the minimum wage specified in M.G.L. c. 151, § 1.

760 CMR 6.05 (3) Exclusions from Gross Household Income

(h) Payments received by participants in programs pursuant to the Domestic Volunteer Service Act of 1973, 42 U.S.C. § 4950, et seq.,

Programs Include:

- AmeriCorps Vista

760 CMR 6.05 (3) Exclusions from Gross Household Income

(h) Payments received by participants in programs pursuant to the Domestic Volunteer Service Act of 1973, 42 U.S.C. § 4950, et seq., or stipends received by volunteers for activities performed on behalf of a tax-exempt non-profit organization or foundation or an accredited educational or vocational institution. The amount of stipends to volunteers that shall be excluded may not exceed the total amount which would have been earned by a person working 20 hours per week at the minimum wage specified in M.G.L. c. 151, § 1.

760 CMR 6.05 (3) Exclusions from Gross Household Income

(h) The amount of stipends to volunteers that shall be excluded may not exceed the total amount which would have been earned by a person working 20 hours per week at the minimum wage specified in M.G.L. c. 151, § 1.

May Exclude:

Wage stipends paid to volunteers of non-profit organizations are excluded up to the equivalent of :

20 hours per week at minimum wage
($\$15 \times 20\text{hrs} = \$300 \times 52 = \$15,600$)

6.05(3), Exclusions from Gross Household Income, cont.

- Natasha volunteers for the Boys and Girls Club in the after school program. The Boys and Girls Club is a tax-exempt nonprofit
- As a volunteer she receives a stipend of \$2,500 a year.
- This stipend **does not count as income.**
 - The Boys and Girls Club is a tax-exempt nonprofit
 - The total amount of her stipend is below the maximum allowed by the exclusion (equivalent of 20 hrs per week at minimum wage or \$15,600).

Regulatory Rent Changes:

- Student Income – Exclude Half-Time Students
 - PCAs – Who qualifies?
 - Asset Income
 - Payments to Support Household Members
 - Gifts
 - Stipends received by non-profit volunteers
- **Employment training programs, on-the-job training and apprenticeships**
- Elderly Wage Exclusion-recognize and exclude unemployment and workman's comp
- Exclude payments to and benefits from ABLE accounts– a tax free savings accounts for disabled individuals
- Annuity payments to veterans or their families under M.G.L c.115, sec6B
- Deduction of Tuition and Fees-Vocational for Post Secondary Education
- Child Support and Alimony

6.05(3), Exclusions from Gross Household Income Employment Training and Apprenticeship Programs 6.05(3)(j)

May Exclude:

1. Payments from an employment training program:

- Approved by EOHLC, or**
- Sponsored by a government agency.**

2. Wages from on-the-job training or apprenticeship program

3. Head of household qualifies for exclusion

(j) Payments for a Household Member in association with participation in a bona fide program providing training for employment, approved by EOHLC or sponsored or administered by a government agency, to cover costs related to training or employment, such as transportation, program fees, books, or childcare (during training). This exclusion shall apply to wages received through programs for training for employment, such as wages from on-the-job training, or apprenticeship, for a period not to exceed two years. This amount of the exclusion shall be limited to the amount of wages received in such programs for working up to 37.5 hours per week that do not exceed one and one half times the minimum wage specified in M.G.L. c. 151, §1.

6.05(3), Exclusions from Gross Household Income Employment Training and Apprenticeship Programs 6.05(3)(j)

Limits on the Exclusion:

- Maximum 2 years
- Maximum amount is equivalent of the following:
- 1.5 x minimum wage x 37.5 hrs week
- This is: $1.5 \times 15.00 \times 37.5 = 843.75 \times 52 \text{ weeks} = \$43,875$
(maximum allowable exclusion per year).

(j) Payments for a Household Member in association with participation in a bona fide program providing training for employment, approved by EOHLC or sponsored or administered by a government agency, to cover costs related to training or employment, such as transportation, program fees, books, or childcare (during training). This exclusion shall apply to wages received through programs for training for employment, such as wages from on-the-job training, or apprenticeship, for a period not to exceed two years. This amount of the exclusion shall be limited to the amount of wages received in such programs for working up to 37.5 hours per week that do not exceed one and one half times the minimum wage specified in M.G.L. c. 151, §1.

6.05(3), Exclusions from Gross Household Income Employment Training and Apprenticeship Programs 6.05(3)(j)

Robert is an apprentice machinist
with the MBTA.

He earns \$56,236 per year.

How much of his income can be
excluded in year 1?

Answer: \$43,875

(j) Payments for a Household Member in association with participation in a bona fide program providing training for employment, approved by EOHLC or sponsored or administered by a government agency, to cover costs related to training or employment, such as transportation, program fees, books, or childcare (during training). This exclusion shall apply to wages received through programs for training for employment, such as wages from on-the-job training, or apprenticeship, for a period not to exceed two years. This amount of the exclusion shall be limited to the amount of wages received in such programs for working up to 37.5 hours per week that do not exceed one and one half times the minimum wage specified in M.G.L. c. 151, §1.

Regulatory Rent Changes:

- Student Income – Exclude Half-Time Students
- PCAs – Who qualifies?
- Asset Income
- Payments to Support Household Members
- Gifts
- Stipends received by non-profit volunteers
- Employment training programs, on-the-job training and apprenticeships
- **Elderly Wage Exclusion- recognize and exclude unemployment and workman's comp**
- Exclude payments to and benefits from ABLE accounts– a tax free savings accounts for disabled individuals
- Annuity payments to veterans or their families under M.G.L c.115, sec6B
- Deduction of Tuition and Fees-Vocational for Post Secondary Education
- Child Support and Alimony

6.05(3), Exclusions from Gross Household Income Elderly Wage Exclusion 6.05 (3)(p)

Old Regulation

- Income of tenants who are 62 or older working up to a maximum of 20 hours weekly at minimum wage. (up to \$15,600)

New/Amended Regulation

- Now includes unemployment insurance, worker's compensation, short and long-term disability up to the value of a person working 20 hours per week at minimum wage.
- *This is to protect the tenant against unemployment which may under current regulation may result in increased rent.*

Regulatory Rent Changes:

- Student Income – Exclude Half-Time Students
- PCAs – Who qualifies?
- Asset Income
- Payments to Support Household Members
- Gifts
- Stipends received by non-profit volunteers
- Employment training programs, on-the-job training and apprenticeships
- Elderly Wage Exclusion-recognize and exclude unemployment and workman's comp
- **Exclude payments to and benefits from ABLE accounts– a tax free savings accounts for disabled individuals**
- Annuity payments to veterans or their families under M.G.L c.115, sec6B
- Deduction of Tuition and Fees-Vocational for Post Secondary Education
- Child Support and Alimony

6.05(3), Exclusions from Gross Household Income
ABLE Accounts: Achieving a Better Life Experience
6.05 (3)(r)

ABLE

- Stand for Achieving a Better Life Experience. Tax free savings accounts for individuals with disabilities.

Exclude Contributions and/or Withdrawals

- (r) Contributions to, and withdrawals from, Achieving a Better Life Experience (ABLE) accounts established pursuant to 26 U.S.C. § 529A.

6.05(3), Exclusions from
Gross Household Income
ABLE Accounts:
Achieving a
Better Life
Experience 6.05
(3)(r)

- Each state administers the ABLE program.
- Eligible persons can apply in any state, but can have only 1 account
- The Massachusetts ABLE program is called “Attainable Savings Plan”
- The State Administrator of the program is the Massachusetts Educational Financing Authority (MEFA)
- The person with signatory authority can withdraw and deposit funds.
- Withdrawals and deposits would appear on a statement from the administering agency (MEFA in Massachusetts)

Regulatory Rent Changes:

- Student Income – Exclude Half-Time Students
- PCAs – Who qualifies?
- Asset Income
- Payments to Support Household Members
- Gifts
- Stipends received by non-profit volunteers
- Employment training programs, on-the-job training and apprenticeships
- Elderly Wage Exclusion-recognize and exclude unemployment and workman's comp
- Exclude payments to and benefits from ABLE accounts– a tax free savings accounts for disabled individuals
- **Annuity payments to veterans or their families under M.G.L c.115, sec6B**
- Deduction of Tuition and Fees-Vocational for Post Secondary Education
- Child Support and Alimony

6.05 (3) Exclusions from Gross Household Income:

(s) Veteran Annuity Payments

- New Language: Section (s)
 - (s) Annuity payments made pursuant to M.G.L. c. 115, § 6B to certain disabled veterans or to the parents or non-remarried surviving spouses of such veterans who are deceased.
 - The benefit is \$2000 annually, paid in two installments.
 - Benefit letters will cite the statute M.G.L. c. 115 § 6B . (Brave Act)
 - Benefit monies are excluded from household income.

Regulatory Rent Changes:

- Student Income – Exclude Half-Time Students
- PCAs – Who qualifies?
- Asset Income
- Payments to Support Household Members
- Gifts
- Stipends received by non-profit volunteers
- Employment training programs, on-the-job training and apprenticeships
- Elderly Wage Exclusion-recognize and exclude unemployment and workman's comp
- Exclude payments to and benefits from ABLE accounts– a tax free savings accounts for disabled individuals
- Annuity payments to veterans or their families under M.G.L c.115, sec6B
- **Deduction of Tuition and Fees-Vocational or Post Secondary Education**
- Child Support and Alimony

6.05 (4) Deductions from Gross Household Income: (h) Tuition and Fees

- Deduction for cost of tuition and fees for household member
 - Includes:
 - Vocational, or
 - **Post Secondary Education**

(h) Non reimbursable payments of tuition and fees of vocational **or** post secondary education of a Household Member, provided that the amount deducted for this deduction and the deductions in 760 CMR 6.05(4)(f) and (g) for this Household Member shall not exceed the income of the Household Member that has been included in the gross Household income.

6.05 (4) Deductions from Gross Household Income: (h) Tuition and Fees

(h) Non reimbursable payments of tuition and fees of vocational or post secondary education of a Household Member, provided that the amount deducted for this deduction and the deductions in 760 CMR 6.05(4)(f) and (g) for this Household Member shall not exceed the income of the Household Member that has been included in the gross Household income.

6.05 (4) Deductions from Gross Household Income:

(h) Tuition and Fees

- 4(h) Non reimbursable payments of tuition and fees of vocational or post secondary education of a Household Member, provided that the amount deducted for this deduction and the deductions in 760 CMR 6.05(4)(f) and (g) for this Household Member shall not exceed the income of the Household Member that has been included in the gross Household income.

6.05 (4) Deductions from Gross Household Income: (h) Tuition and Fees

- 4(h) Non reimbursable payments of tuition and fees of vocational or post secondary education of a Household Member, provided that the amount deducted for this deduction and the deductions in 760 CMR 6.05(4)(f) and (g) for this Household Member shall not exceed the income of the Household Member that has been included in the gross Household income.
- (f) Payments for the care of child(ren) or of a sick or incapacitated Household Member provided that the LHA shall have determined the payments to be necessary for the employment of another Household Member who would otherwise have provided such care; the total amount deducted for this deduction and the deductions in 760 CMR 6.05(4)(g) and (h) for this Household Member who makes the payment shall not exceed his or her gross income.
- (g) Child support, separate support, and/or alimony paid under court order or court approved agreement by a Household Member for the support of a minor child, spouse, or ex spouse, not residing with the Household, provided that the total amount deducted for this deduction and the deductions in 760 CMR 6.05(4)(f) and (h) for this Household Member shall not exceed his or her gross income.
- Half-time Student. A Household Member between the ages of 18 and 26, who is the dependent of another Household Member and who is enrolled in and attending an accredited educational or vocational institution and is carrying a course load that is considered at least half-time for students under the standards and practices of the institution.

6.05 (4) Deductions from Gross Household Income:

(h) Tuition and Fees

- 4(h) Non reimbursable payments of tuition and fees of vocational or post secondary education of a Household Member, provided that the amount deducted for this deduction and the deductions in 760 CMR 6.05(4)(f) and (g) for this Household Member shall not exceed the income of the Household Member that has been included in the gross Household income.
- (f) Payments for the care of child(ren) or of a sick or incapacitated Household Member provided that the LHA shall have determined the payments to be necessary for the employment of another Household Member who would otherwise have provided such care; the total amount deducted for this deduction and the deductions in 760 CMR 6.05(4)(g) and (h) for this Household Member who makes the payment shall not exceed his or her gross income.
- (g) Child support, separate support, and/or alimony paid under court order or court approved agreement by a Household Member for the support of a minor child, spouse, or ex spouse, not residing with the Household, provided that the total amount deducted for this deduction and the deductions in 760 CMR 6.05(4)(f) and (h) for this Household Member shall not exceed his or her gross income.
- Half-time Student. A Household Member between the ages of 18 and 26, who is the dependent of another Household Member and who is enrolled in and attending an accredited educational or vocational institution and is carrying a course load that is considered at least half-time for students under the standards and practices of the institution.

6.05 (4) Deductions from Gross Household Income:(h) Tuition and Fees

Example: Sue is claiming a deduction for the costs of attending community college. How do we calculate the deduction?

Questions:

- 1) What is the cost of tuition and fees?
- 2) Is Sue also claiming a deduction for childcare in order to work? (6.05(4)(f))
- 3) Is Sue claiming a deduction for child support or alimony? (6.05(4)(g))
- 4) Is Sue working and earning wages?
- 5) Is Sue claiming an income exclusion as a Half-Time Student? (6.05(3)(k))

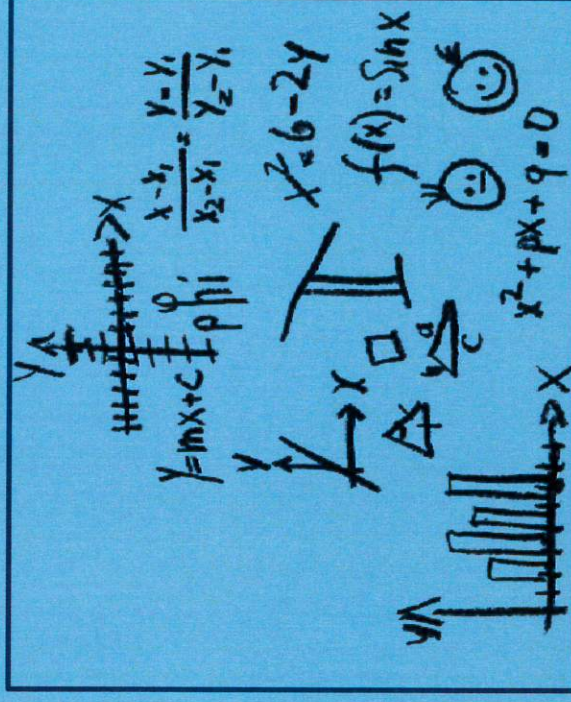
Answers:

- 1) \$7000
- 2) Yes- \$1,500
- 3) No claim for child support or alimony.
- 4) Sue works part-time earning \$10,000.
- 5) Sue does not qualify as a Half-Time Student because she started school at 27.

6.05 (4) Deductions from Gross Household Income:(h) Tuition and Fees

Example: Sue is claiming a deduction for the costs of attending community college. How do we calculate the deduction?

Income =	\$10,000
Minus Childcare Deduction (6.05 (4)(f):	\$1500
Total Gross Income =	\$8500
Compare Total Gross income:	\$8500
to the cost of tuition and fees:	\$7000
Does the tuition and fees exceed the amount of income?	No
Deduction equals=	\$7000



6.05 (4) Deductions from Gross Household Income: (h) Tuition and Fees

Final Thoughts on Tuition and Fees:

- Can a head of household (the Tenant) qualify to receive a deduction of tuition and fees under 6.05(4)(h)?

Answer: Yes

X They do not qualify for an income exclusion as a Full-Time or Half-Time Student under 6.05(3)(k)

- What if a household member claiming a deduction of Tuition and Fees is a Half-Time Student who qualifies for their income to be excluded under 6.05(3)(k)? Do they qualify for a deduction of Tuition and Fees under 6.05(4)(h)?

• Answer: No

X If income is excluded, they do not qualify for deduction under 6.05(4)(h).

Regulatory Rent Changes:

- Student Income – Exclude Half-Time Students
 - PCAs – Who qualifies?
 - Asset Income
 - Payments to Support Household Members
 - Gifts
 - Stipends received by non-profit volunteers
 - Employment training programs, on-the-job training and apprenticeships
- Elderly Wage Exclusion-recognize and exclude unemployment and workman's comp
- Exclude payments to and benefits from ABLE accounts– a tax free savings accounts for disabled individuals
- Annuity payments to veterans or their families under M.G.L c.115, sec6B
- Deduction of Tuition and Fees-Vocational or Post Secondary Education
- **Child Support and Alimony**

Child Support and Alimony 760 CMR 6.05(4)(g)

Old Rule:

Child support, separate support, or alimony were only deducted from household income if they supported a minor child not living in the household.

New Rule:

Child support, separate support, or alimony are deducted from household income if they support a child not residing in the household, whether or not the child is a minor.

- Any deduction cannot exceed gross household income.

760 CMR 6.00 Occupancy Standards and Tenant Participation for State-Aided Housing

Proposed Regulation Changes



6.06(4)(r), regarding LHA obligation to re-key locks

- LHAs to re-key locks within 48 hours of request of Tenant or Household Member under imminent threat of:
 - domestic violence;
 - rape;
 - sexual assault; or
 - stalking.

6.06(4)(r), regarding LHA obligation to re-key locks

If abuser is
Tenant or
Household
Member:

- request to re-key locks must be accompanied by a copy of a valid protective order issued under M.G.L. c. 209A or M.G.L. c. 258E.

If abuser is
from
outside
Tenant
household:

- protective order is X-not required.

760 CMR 6.00 Occupancy Standards and Tenant Participation for State-Aided Housing Promulgated Regulations Changes

6.06 (6) (f) regarding over-income Tenant exemption

- Discretionary six-month grace period for over-income Tenants is now mandatory.
- With an additional six-month period allowed, at the LHA's discretion, based on Tenant circumstances.



760 CMR 6.00 Occupancy Standards and Tenant Participation for State-Aided Housing Promulgated Regulations Changes

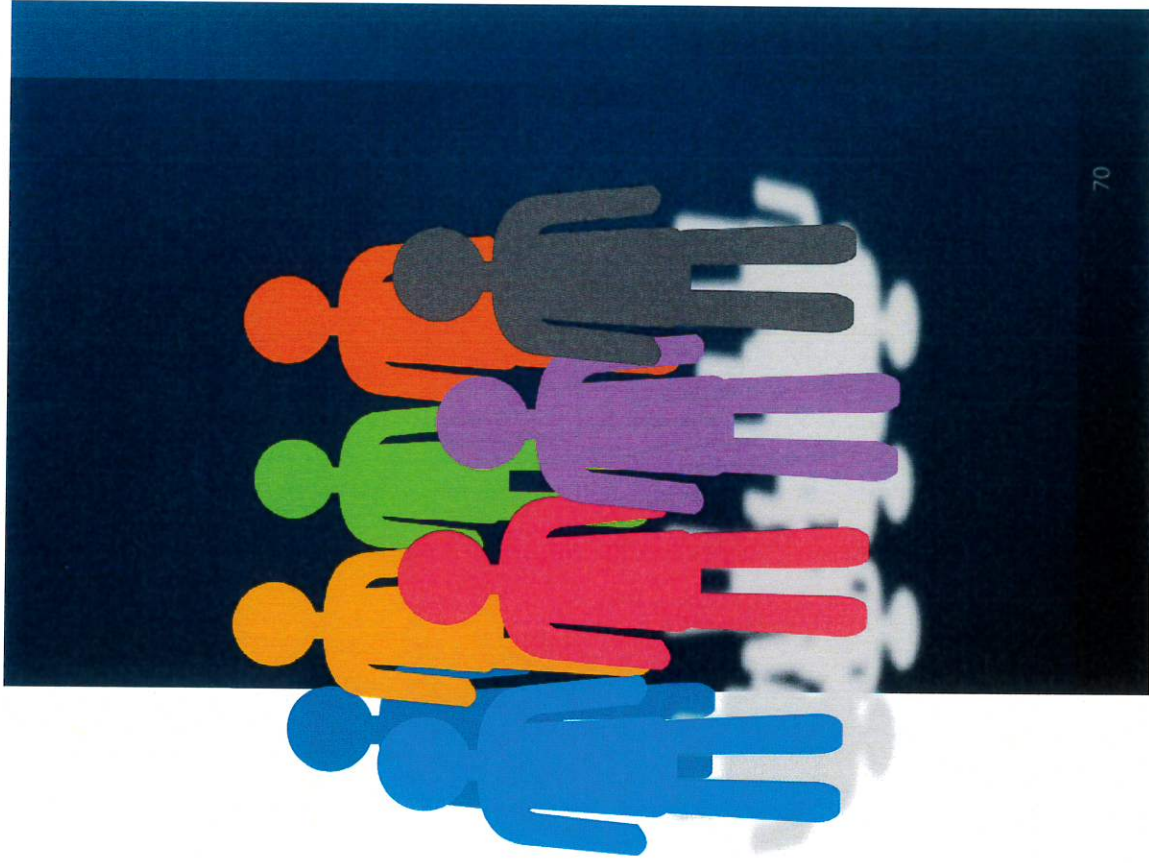
6.09(3)(c) regarding the funding of Local Tenant Organizations (LTOs)



- LTOs historically funded at an annual rate of \$6 per state-aided public housing unit or \$500 whichever is greater.
- Increase to \$25 per state-aided public housing unit or \$500, whichever is greater.

6.09(3)(c) regarding the funding of Local Tenant Organizations (LTOs).

- Funding is for:
 - ordinary and necessary business expenses:
 - paper, copying, mailings, etc.
 - authorized activities:
 - LTO Meetings, tenant outreach, fund raising



6.09(3)(c) regarding the funding of Local Tenant Organizations (LTOs).

- Tenants involvement in:
 - Executive Director Hiring Process
 - Management Agreement(s) Process
 - LHA Policies affecting Tenants
 - Annual Budgeting Process
 - The Annual Plan Process
 - Capital Plan Process

New Heat Deduction Schedule

- Current Heat Deduction
 - Values are 30 years old
 - To better align with today's utility prices, HLC plans to increase these values
- Climate-Related Heat Deduction
 - To meet climate goals, we need to begin phasing out natural gas
 - Therefore, EOHLC proposes a second Heat Deduction schedule
 - Applies to those who convert from natural gas heat to electric heat, and has higher Deductions
 - Will also consider differences in housing programs and related energy use
 - Exact numbers to be announced soon

New Heat Deduction Schedule

Bedrooms	Standard Heat Deduction (All Programs, Tenant Pays Heat)	Electric Heat Increment (Addition to Standard Deduction)		Total Deduction w/ Electric Heat	
	All Programs	c.200 and c.667	c.705	c.200 and c.667	c.705
0	\$600	\$200	\$200	\$800	\$800
1	\$800	\$400	\$600	\$1,200	\$1,400
2	\$1,000	\$800	\$1,500	\$1,800	\$2,500
3	\$1,200	\$1,000	\$1,900	\$2,200	\$3,100
4	\$1,400	\$1,200	\$2,300	\$2,600	\$3,700
5	\$1,600	\$1,400	\$2,700	\$3,000	\$4,300

PHN 2024-07 Promulgation of Amendments to 760 CMR 6.00

<i>Rent Determination Type</i>	<i>Use the regulation effective 6/7/2024</i>	<i>Use the regulation prior to 6/7/24</i>
Move in, before 6/7		x
Move In, 6/7 or later	x- if the notice of rent was not sent prior to 6/7	x – if the notice of rent was sent before 6/7
Interim Redetermination, before 6/7		x
Interim Redetermination, 6/7 or later	x	
7/1 Annual Redetermination	x - if the notice for rent change was sent AFTER 6/7	x - if the notice for rent change was sent BEFORE 6/7
8/1 Annual Redetermination	x	

PHN 2024-07 Attachment E: Rent Calculation Sheet

NOTES:

1. Enter household data in middle column. Fields highlighted in yellow contain formulas.

2. This Rent Calculation Sheet does not allow LHA to separate income from each household member's income. The figures entered are for the entire household.

3. This sheet is meant as a job aid and does not perform all calculations for you.

Data Field

Household Data (enter data below)

Head of Household First Name	
Head of Household Last Name	
Unit Street Address	
Unit City or Town	
Unit Zip Code	
Development Number	
Date Processed	
Processed By	
Effective Date	
Bedrooms	
Number of Males in Household	
Number of Females in Household	
Student Status	
Full-time Student (number)	
Half-time Student (number)	
Minors in Household	
Personal Care Attendant (PCA)	
Income Items Included in Gross Income (760 CMR 6.05(2))	
Wages	
Salary	
Overtime Pay	
Commissions	
Fees	
Tips	
Bonuses	
Other Compensation for Personal Services	
Self-employment	
Pension, annuities, retirement funds	
Social Security, SSI, SSDI	
Unemployment Insurance	
Disability Insurance, Health & Accident Insurance, Workers Compensation	
Gifts or contributions	
TAFDC	

75

Revised Lease and Lease Addendum



EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus Jr., Secretary

Public Housing Notice 2024-08

To: All Local Housing Authority Executive Directors
From: Ben Stone, Undersecretary of Public Housing and Rental Assistance
Subject: Amendments to State-Aided Public Housing Lease and Lease Addendum
Date: May 28, 2024

Need to Know: In connection with its promulgation of amendments to 760 CMR 6.00, EOHLC is making changes to its state-aided public housing form lease and lease addendum. These changes include:

- updating the utilities section to reflect changes to the heat deduction schedule;
- updating the PCA section to align with the changes to the definition of PCA in 760 CMR 6.03;
- updating the appliances section to reflect changes to the State Sanitary Code; and
- updating the language regarding the overincome household exemption to align with the changes in 760 CMR 6.06(6).

The updated lease should immediately be utilized by LHAs when entering into leases with new households.

For existing households, the lease changes will become effective 30 days after the LHA notifies households of the changes. Existing households must sign the updated lease addendum at their next redetermination following the 30-day notice period.

Executive Office of Housing and Livable Communities ^(EOHLC)



Thank You

Executive Office of Housing and Livable Communities
Upcoming Regulatory Changes

Q&A to Accompany EOHLC PHN 2024-07 and PHN 2024-08

Q&A's have been grouped by topic

1. [General Questions](#)
2. [Gifts](#)
3. [Half Time Students](#)
4. [Tuition and Fees](#)
5. [PCAs](#)
6. [Exclusions and Stipends](#)
7. [Lease Changes](#)

1. General Questions:

Question: Why haven't 2024 income limits been posted yet?

Answer: Income limits for state-aided public housing and AHVP that are in effect were published in PHN 2023- 07 and became effective on May 15, 2023. Income limits are set at two-year intervals. The income limits remain in effect until EOHLC revises and issues new income limits.

Question: Can you explain which programs these changes apply to: State-Aided Public Housing, AHVP, 689, MRVP?

Answer:

(1) 760 CMR 6.00 applies to all persons residing in state-aided public housing, known as c. 200 family housing, c. 667 elderly/disabled housing and c. 705 family housing. 760 CMR 6.00 also applies to those persons residing in state-aided public housing, known as c. 689 special needs housing, provided that the housing is under the direct management of an LHA and Residents have individual leases with the LHA.

(2) 760 CMR 6.05 and 6.08 apply to participants in the Alternative Housing Voucher Program (AHVP). Find more information here: <https://conta.cc/3Xkj00v>. Pieces of 760 CMR 6.00 also apply to DMHRSP. Find more information here: <https://conta.cc/3RsbWem>.

(3) 760 CMR 6.00 does not apply to MRVP. MRVP is governed by 760 CMR 49.00 and the EOHLC Administrative Plan <https://www.mass.gov/doc/mrvp-administrative-plan-2017/download>

Question: Did everyone receive PHN 2024-08 via email? Some LHAs never received this email.

Answer: LHAs were notified of PHN 2024-08 through Constant Contact. If this email was not received, LHAs should check the junk mail to see if the email was misdirected. If after checking you do not have the PHN, please contact your Housing Management

Specialist to ensure EOHLC has the correct email address. All public housing notices as well as published regulations can be found on EOHLC's webpage:

[Public Housing Admin Notices | Mass.gov](#)

[EOHLC Regulations - Current Regulations and Proposed Amendments | Mass.gov](#)

Question: Was the EOHLC webinar provided on June 5, 2024 recorded?

Answer: No. However, EOHLC has attached a copy of the presentation to this Q&A.

Question: Is there a minimum rent amount?

Answer: This requirement has not changed. It remains in effect pursuant to M.G.L. c. 121B, sec. 32 and 760 CMR 6.04(1)(e), each household shall pay a minimum rent of \$5.00. But please note that an LHA is required to grant an exemption to the minimum rent requirement to any Tenant unable to pay such amount due to severe financial hardship.

Question: Is there a "cheat sheet" or summary to provide to tenants that summarizes the changes?

Answer: One is being prepared and will be provided to LHAs through Constant Contact. However, LHAs should post PHN 2024-07 in common areas.

Question: What is the LHA's responsibility to inform tenants of changes?

Answer: The rent regulation must be posted in accordance with 760 CMR 4.02(2).

(2) The LHA shall post and shall keep posted in a conspicuous place in its central office, on its website or webpage, and, if practical, in each development, all rules and policies of the LHA and the regulations of the Department which affect the rights, status, duties or welfare of tenants and their households, together with such other information as required to be posted by Department guidelines. All posted rules and policies shall state the date of last revision and identify a contact person and the means of contact.

Also, at the time of redetermination, each LHA must discuss income inclusion, exclusions and deductions so that the tenants are aware of the requirements.

PHN 2024-08, Amendments to State-Aided Public Housing Lease and Lease Addendum, provides information regarding implementation of the Lease and Lease Addendum as well as required notification to Tenants.

Existing tenants must be given a 30-day notice of changes which should be sent with the Lease Addendum as an attachment.

The Lease Addendum does not need to be signed at this time but will go into effect 30 days after the notice. Tenants will sign the Lease Addendum at annual rent redetermination or if an interim redetermination is done.

The Lease is effective June 7 for any new Tenant.

Question: Is the Continued Occupancy form a mandatory form that must be used by each LHA?

Answer: Yes

Question: Who at EOHLC should we contact for individual questions?

Answer: Questions should be directed to your EOHLC Housing Management Specialist.

Question: Will there be a desk guide created for these updates for our staff to quickly reference?

Answer: We are preparing a quick reference guide and will issue the guide through Constant Contact.

Question: Does the heat deduction schedule take place immediately?

Answer: The new heat deduction schedule goes into effect on June 7, 2024. It should be applied to all new lease ups, interim rent redeterminations, and at annual rent redeterminations completed on or after June 7, 2024.

Question: Will PHA-web automatically be updated with the new heat deduction schedule?

Answer: LHAs should check with their vendor to verify whether or not heat deductions are automated or if the LHA must enter the deduction amount.

Question: When residents come in to complete an Interim Rent determination solely for the reasons outlined in these updates, are we still required to request all other documents as part of that update? Or can we just let the program run the updates and recalculate the rent based off what's already in the system?

Answer: The basis for completing an Interim Rent determination is outlined in 760 CMR 6.04 (5) (a) and (b) and includes situations in which there is an increase in monthly gross Household income of 10% or a decrease in gross monthly household income. As noted in section (5) Interim Re-Determination of Rent, "the Tenant shall report any such increase, including any changes in income, exclusions and deductions."

Following the receipt of documentation, the LHA would adjust income, exclusions and deductions.

(5) Interim Re-determination of Rent. (a) Increases. If in any month the monthly gross Household income of a Tenant Household increases by 10% or more from the amount contained in the most recent notice of rent as (re)determined by the LHA, the Tenant shall report any such increase, including any changes in income, exclusions and deductions.

(b) Decreases. If, in any month, the monthly gross Household income of a Tenant Household decreases, the Tenant may provide the LHA with verified information substantiating the decrease in gross income. Following receipt of such information, the LHA shall re-determine rent.

Question: If the LHA has a Biennial schedule for rent redetermination, is the new heat deduction applied automatically?

Answer: The heat deduction schedule is not applied until a full annual redetermination is done. The heat deduction schedule is not applied in the off year of the biennial rent calculation, the year that the LHA only adjusts tenant income to reflect the Social Security Cost of Living Adjustment (COLA) increase, which is applied to the Social Security, SSI, SSDI and SSP income. A full rent redetermination is conducted in the second year of the biennial rent schedule. However, tenants may request that a full rent redetermination be conducted in the off year.

Question: Calculation percentages are wrong in PHA web (i.e., family units in PHA web are calculating at 30% of net household income rather than 27%.)

Answer: The LHA should contact their vendor to correct percentages.

Question: We have staffing challenges this summer. We planned ahead and already calculated August redeterminations. Is there an exemption to recalculate?

Answer: If the LHA has already mailed the Notice of Rent Change to tenants prior to June 7, 2024, the LHA would use the regulation in effect prior to June 7, 2024. If as of June 7, 2024, the LHA has not mailed the Notice of Rent Change, then the updated regulation in effect on June 7, 2024 must be used.

Question: Is there clarification on proof of income with regard to bank statements?

Answer: The regulation requires that income, deductions and exclusions be verified. EOHLC's guidance is three consecutive statements. An LHA can request additional verification if the LHA determines the information provided is not adequate.

Question: When is the new LTO funding increase given to the LTO?

Answer: To receive funds, the LTO must submit a budget which details ordinary and necessary business expenses and authorized activities. The amended LTO funding is effective June 7, 2024. To receive an increase in funding, LTOs must submit a revised budget for LHA approval that reflects the increase in LTO funding authorized by the revision of 760 CMR 6.09(3)(c). Once an LTO budget is approved by the LHA, the LHA will then disburse the revised LTO funding. The LHA should account for the LTO increase in any budget revision. No action is required if the LTO's budget would not increase based upon the new per occupied unit funding.

2. Gifts:

Question: Does the \$5000 gift rule contained in 760 CMR 6.05(2)(f) apply to households with zero income?

Answers: The rule applies to all households. Based on the question, the tenant reports \$0.00 wage income but receives gift income. The LHA applies the requirements of 6.05 (2)(f) and only includes amounts of gifts or contributions that total over \$5000 in the aggregate in a 12-month period. In no event can a household's determination result in a household having negative rent.

Question: If someone closes their DTA case to have a gift exclusion (which may be higher than their cash benefits) do we process this?

Answer: Pursuant to 760 CMR 6.05(2)(f), the amount of contributions or gifts from non-household members exceeding \$5,000 in the aggregate in a 12-month period shall be included in gross household income

3. Half-Time Students:

Question: Is a Half-time Student required to be a dependent of a household member?

Answer: Yes. Pursuant to the definition of Half-time Student contained in 760 CMR 6.03, a student must be the dependent of another Household Member in order to meet the definition of Half-time Student.

Question: The definition of Half-time Student requires that the student be a dependent. Who is a "dependent"? Is it the same definition as a dependent for tax purposes?

Answer: Dependent, as it is referenced in the definition of Half-time Student is not the IRS definition of dependent. A dependent in state-aided public housing is a qualifying household member who relies on you for financial support.

Question: Does a Half-time or Full-time Student get the deduction in 760 CMR 6.05(4)(b) or (c) or only the income exclusion?

("(b) \$300 for each unemancipated minor Household Member (younger than 18 years old).

(c) \$300 for each adult Household Member (other than the Tenant)") ...

Answer: No, The Half-time or Full-time Student does not qualify for (b) because the definition of Half-Time/Full-time student is a Household member between the ages of 18 to 26.

The Half-time or Full-time Student does not qualify for (c) because the student's income is excluded. The deduction in 760 CMR 6.05(4)(c) is limited by the amount by which the gross income of such adult exceeds all other deductions claimed against his or her income. If a student meets the definition of Half-time Student, their income is excluded pursuant to 760 CMR 6.05(3)(k). Because the student is not contributing income, they cannot claim the deductions in 760 CMR 6.05(4)(b) or (c).

4. Tuition and Fees:

760 CMR (4), (h) Non-reimbursable payments of tuition and fees of vocational or post-secondary education of a Household Member, provided that the amount deducted for this deduction and the deductions in 760 CMR 6.05(4)(f) and (g) for this Household Member shall not exceed the income of the Household Member that has been included in the gross Household income.

Question: Does the deduction for non-reimbursable payments of tuition and fees contained in 760 CMR 6.05(4)(h) apply to student loan payments?

Answer: No.

Question: Can a head of household claim a deduction for tuition and fees under 6.05(4)(h)?

Answer: Yes, the Head of Household is also defined as a Household Member under 6.03: *Household Member. A person who is a member of a Household which has been authorized by the LHA in a lease or lease addendum to reside in an LHA unit...*

The Tenant, as defined in 760 CMR 6.03, is a Household Member.

5. PCAs:

Question: Is the income of a PCA excluded as long as the live in PCA is not a spouse or parent?

Answer: Income of a full-time live-in PCA is excluded regardless of whom the PCA is providing services for. However, please note that pursuant to the definition of PCA contained in 760 CMR 6.03, a PCA must not be "obligated for the support of the Household Member". This means that a parent cannot serve as a PCA for their own child and a spouse cannot serve as a PCA for their spouse.

Question: Does it matter if a PCA has a current residency?

Answer: The current resident status of a PCA does not affect the ability to add a Live-in PCA to the household. However, if the Tenant is requesting to add the PCA to the lease as a Household Member, the LHA will screen the PCA to determine the qualification of the proposed Household Member pursuant to 760 CMR 5.00: Eligibility and Selection Criteria. Eligibility requires that the proposed Household Member intends to occupy public housing as their primary residence. (760 CMR 5.08 (J)).

Question: Can someone have multiple PCAs?

Answer: Yes. There is no limit on the number of PCAs a Tenant or household member may have. In order to qualify as a full-time live-in PCA, however, the PCA must be working at least 20 hours per week as a PCA and every PCA is required to meet the definition of PCA contained in 760 CMR 6.03:

Personal Care Attendant (PCA). A person who resides with a Household Member with a disability and who:

- (a) provides necessary assistance in activities of daily living to such Household Member insofar as he or she requires such assistance on account of his or her disability;
- (b) is not obligated for support of the Household Member; and
- (c) is paid for the fair value of such assistance.

Furthermore, MassHealth, which oversees the Massachusetts PCA program, has additional requirements for who may serve as a PCA which are not reflected in state-aided public housing regulations. To serve as a PCA, MassHealth requires an individual to be:

- (a) legally able to work in the United States;
- (b) able to understand and carry out instructions of the person with a disability for whom the PCA provides services; and
- (c) be at least 14.5 years of age.

Additionally, MassHealth requires all PCAs to complete a one-time, mandatory, four-hour PCA new hire orientation within nine months of being hired as a PCA.

To qualify as a full-time live-in PCA in state-aided public housing, a PCA must meet the MassHealth requirements in addition to the requirements contained in the definition of PCA in 760 CMR 6.03.

Question: Is the income of full-time live-in PCA that is listed on the lease as a family member and who will have rights to the unit upon the head of household leaving excluded?

Answer: Yes. The income of a full-time live-in PCA should be excluded from gross household income pursuant to 760 CMR 6.05(3)(l). If a full-time, live-in PCA has been added to the lease, they may receive permission for continued occupancy as a remaining member of the Family (Household) for purposes of 760 CMR 5.03 Family (Household)(b), provided that all other criteria for remaining members of the Family (Household) contained in 760 CMR 5.03 Family (Household)(b) have been met. If a full-time live-in PCA receives permission to continue occupancy as a remaining member of the Family (Household) once the household member with a disability ceases to occupy the unit, the PCA who is a remaining member of the Family (Household) must have their income included in gross household income going forward.

Question: Is the income of a live-in PCA caring for a disabled child excluded pursuant to 760 CMR 6.05(3)(l)?

Answer: Yes. But note that pursuant to the definition of PCA contained in 760 CMR 6.03, a PCA must not be "obligated for the support of the Household Member". This means that a parent cannot serve as a PCA for their child.

Question: If a PCA gets added to the lease and the household member with a disability ceases to occupy the unit, will the PCA take over the lease?

Answer: Yes. If a household member with a disability chooses to add a full-time live-in PCA to the lease, the PCA may receive permission for continued occupancy as a

remaining member of the Family (Household) for purposes of 760 CMR 5.03 Family (Household)(b), provided that all other criteria for remaining members of the Family (Household) contained in 760 CMR 5.03 Family (Household)(b) have been met.

Question: Does a PCA have to qualify for housing before they are added to the lease?

Answer: LHAs should run a CORI and SORI for all PCAs, regardless of whether the PCA is being added to the lease.

Pursuant to the definition of PCA contained in 760 CMR 6.03, a full-time, live-in PCA must be considered a Household Member for purposes of determining Appropriate Unit Size. This is true whether or not the full-time live-in PCA is being added to the lease.

When a Tenant seeks to add a full-time live-in aide to their lease, in accordance with the definition of Family (Household) contained in 760 CMR 5.03, the LHA must determine whether the full-time live-in PCA is qualified and whether the augmented family is eligible.

Please note that regardless of whether a full-time live-in PCA is added to a lease, the income of the full-time, live-in PCA is excluded pursuant to 760 CMR 6.05(3)(I).

Question: If the PCA is a spouse and listed on the lease is their income counted?

Answer: The definition of PCA contained in 760 CMR 6.03 states that the PCA must not be "obligated for the support of the Household Member". This means that a spouse cannot serve as a PCA for their spouse.

Question: You indicated that adding a PCA to the lease allows the PCA the right to remain after the disabled head of household has ceased living in the unit. Does this mean that the PCA could remain and have rights to the public housing unit even if the remaining household would not qualify for elderly, disabled, family, etc. Housing?

Answer: No. Pursuant to the definition of PCA contained in 760 CMR 6.03, a PCA must meet all of the criteria for remaining members contained in the definition of Family (Household)(b) contained in 760 CMR 5.03. The criteria for remaining members contained in Family (Household)(b) require that the remaining member be eligible and qualified for state-aided public housing.

Question: If someone closes their DTA case to have a gift exclusion (which may be higher than their cash benefits) do we process this?

Answer: Pursuant to 760 CMR 6.05(2)(f), the amount of contributions or gifts from non-household members exceeding \$5,000 in the aggregate in a 12-month period shall be included in gross household income.

6. Exclusions 6.05 (3), Stipends received by a non-profit volunteer:

Question: Is the stipend that volunteers get for election polling excludable income pursuant to 760 CMR 6.05(3)(h)?

Answer: No, because the municipality would not qualify as a non-profit 501(c)(3) organization.

Question: Does the exclusion of payments received by volunteers for activities performed on behalf of a tax-exempt non-profit organization contained in 760 CMR 6.05(3)(h) apply to payments received by Tenant Board members?

Answer: No. LHAs are not tax-exempt non-profit organizations. Therefore, payments to Tenant Board members should continue to be included in gross household income.

Question: Pursuant to 760 CMR 6.05(3)(s), certain Veteran benefits are excluded. Does this exclusion apply to all benefits under M.G.L. c. 115?

Answer: No. Only benefits paid in accordance with M.G.L. c. 115, sec. 6B are excluded. Such benefits total \$2,000 annually and are made in two \$1,000 installments. Any such payments will clearly indicate that they are being made in accordance with M.G.L. c. 115, sec. 6B.

7. Lease Changes detailed in PHN 2024-08:

Question: Did EOHLC provide an updated lease addendum?

Answer: Yes. EOHLC provided an updated lease addendum as an attachment to [PHN 2024-08](#).

Question: Will the amended lease, amended lease addendum, and Notice of Lease Addendum be available in multiple languages, especially Spanish?

Answer: They are not currently translated.

Question: Can you clarify why existing households need to be notified about the amended lease addendum when the household does not sign the lease addendum until their next annual or interim redetermination?

Answer: LHAs should immediately provide existing tenants with a Notice of Lease Amendment explaining the changes in the amended lease addendum. A sample notice, as well as a copy of the amended lease addendum, were provided as attachments to [PHN 2024-08](#).

Pursuant to Section XX of the form state-aided public housing lease, lease changes required due to changes in law are effective 30 days after the Tenant is notified of the changes in writing, regardless of whether the Tenant has signed the amended lease addendum. At the household's next annual or interim redetermination, in accordance

with the form state-aided public housing lease and 760 CMR 6.06(1), the Tenant is required to sign the amended lease addendum as a condition of continued occupancy.

Question: Do we need to send the Notice of Lease Amendment as well as the Lease Addendum to all state-aided households?

Answer: Yes.

Question: Isn't there a discrepancy with the required 30-day notification for lease amendments and the 14-day notice requirement contained in 760 CMR 6.04(4)(e)?

Answer: No. The 14-day notice referenced in 760 CMR 6.04(4)(e) references the notice an LHA is required to provide Tenants regarding the household's new rent following redetermination. LHAs are required to provide existing tenants with 30-days notice of lease changes. This requirement is contained in Section XX of the form state-aided public housing lease.

Question: Have these lease documents been updated with PHA Web or other software vendors?

Answer: No. LHAs should contact their vendor.

Question: Would a household get the 30-day notice when the household's rent is decreasing?

Answer: The 30-day notice applies to the required notification of tenants of the changes to the lease documents. There is no change in the required 14-day Notice of Rent Change (if there is an annual redetermination or an increase in household income), or a shorter notice if an interim redetermination is completed due to a reported reduction in tenant income.

Question: What can you do if the Notice of Lease Addendum is not in your local language?

Answer: The LHA should consult its adopted Language Access Plan.

Question: Can LHAs just continue to grant 6-month waivers for over income tenants?

Answer: No. Pursuant to the amended regulation at 760 CMR 6.06(6)(f), LHAs are required to provide an exemption of 6-months to over-income households and may, but are not required, to provide one additional 6-month exemption. Any exemption, therefore, cannot exceed 12 months. After the 12-month period, the LHA can request a waiver from EOHLC to continue to grant an exemption of six months or less based on documented hardship.