

Massachusetts Public and Subsidized Housing Tenants: Know Your Rights!

Get a Rent Freeze When You Go to Work

- ☉ Do you live in public housing or have a Section 8 voucher?
- ☉ Do you worry that if you work, your rent will go up?

You may not need to worry! If you go to work, you could get a break on your rent. If you qualify for a *rent freeze* your rent will not go up for at least a year even though your income goes up.

This guide will help you figure out if you qualify for a rent freeze.



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Introduction

Are you thinking about getting a job, but worried about how earning more money will affect your rent? This guide is for you. It describes everything you need to know about *rent freeze* rules, and helps you find out if you are eligible for a rent freeze.

A rent freeze means that if you start working after a period of unemployment, your rent will stay the same for a period of time even though you earn more money. A rent freeze can make it easier to go to work.

Before you can figure out if you are eligible for a rent freeze, you need to know what type of housing you live in. Once you know this, you should go to the section of this packet that applies to you. Each section explains the rules that apply to that type of housing. This guide includes letters that you can use with your housing manager to request a rent freeze.

There are three major types of housing that offer a *rent freeze*:

- 1. Federal public housing**
- 2. Section 8 Housing Choice Vouchers, Housing Opportunity for People with AIDS program (HOPWA), Supportive Housing Program, or HOME Investment Partnerships Program**
- 3. State public housing, Massachusetts Rental Voucher Program (MRVP), and Alternative Housing Voucher Program (AHVP)**

You may already know what type of housing you are in. If not, there are steps you can take to find out. Check your lease or your income verification form. If you see words such as *federal public housing*, *U.S. Department of Housing and Urban Development*, or *HUD*, you probably live in federal public housing. If you see words such as *state-assisted housing*, *Department of Housing and Community Development*, or *DHCD*, you probably live in state public housing.

It is possible that you live in a type of housing that is not listed above. You may live in a subsidized housing building that is managed by a private landlord or company. Typically, there are no rent freezes available for tenants in privately operated subsidized housing.

The most direct way to be sure about your type of housing is to ask your property manager or housing authority.

Information for Tenants in Federal Public Housing

If you go to work, your rent may not go up!

Q:

If I live in *federal public housing* and get a job, will my rent increase?

How does a rent freeze work?

How do I qualify for a rent freeze in federal public housing?

Do I have to show that I have a disability to get the rent freeze in federal public housing?

A:

Maybe not. If you are on flat rent, available to some federal public housing tenants, your rent does not change when you go to work and you are not eligible for a rent freeze. For all other federal public housing tenants, an increase in income usually means that the rent goes up. However, if you begin a job while living in federal public housing, and you were previously unemployed, you might be eligible for a *self-sufficiency incentive*. This is also known as an *earned income exclusion* or a *rent freeze*.

If you qualify, a rent freeze means that even though your income increases because of a job, your rent will freeze at the pre-job level for a certain amount of time.

You can get the rent freeze if:

- ☉ Before you got your job, you were unemployed for one or more years **or**
- ☉ You earned less than \$3375 over the 12 months prior to getting your job **or**
- ☉ You received welfare benefits or participated in a Welfare-to-Work program in the six months before getting your job **or**
- ☉ You got your job while you were in a job training or self-sufficiency program

You only have to be in **one** of these categories to get the rent freeze.

No. Any household member is eligible, regardless of disability.

Q:

If I qualify for the rent freeze and get a job, what happens to my rent?

A:

For the **first 12 months** after you start working, income related to your job is not counted towards your rent, so your rent stays the same. In the **second 12 months**, your housing authority will count only half of your total work earnings towards rent. For example, this means that if you earn \$1000 each month in the second 12 months, the housing authority can only count \$500 of your earnings per month when calculating your rent.

If I think I qualify, what do I do?

Use the letter at the end of this guide to request a rent freeze, also called the self-sufficiency incentive, from your housing authority or property manager. **Check all the boxes that apply to you, and keep a copy for your records.** If your rent freeze request is refused, find out why. If you disagree, you can file an appeal or grievance.

For more information about the rent freeze or how to file an appeal or grievance, contact a benefits planner, case manager, or local legal services office. To find your legal services office, call the Legal Advocacy and Resource Center at 800-342-5297/617-371-1226 (TTY) or go to www.masslegalhelp.org. Additional detailed information about the grievance process is available at www.masslegalhelp.org/housing/grievances.

Information for Tenants with Disabilities Who Have Section 8 Housing Choice Vouchers or Live in Apartments Funded by HOPWA, Supportive Housing, or HOME Investment Partnerships Programs

If you go to work, your rent may not go up!

Q:

If I have a Section 8 Voucher (also called a Housing Choice Voucher) and get a job, will my rent increase?

A:

Maybe not. An increase in income usually means that your rent goes up. However, if you begin a job while you are renting with a Section 8 voucher, and you were previously not working, you might be eligible for a *self-sufficiency incentive*. This is also known as an *earned income exclusion* or a *rent freeze*.

How does a rent freeze work?

If you qualify, a rent freeze means that even though your income increases because of a job, your rent will freeze at the pre-job level for a certain amount of time.

Can I get the rent freeze if I live in a Section 8 project-based building?

Generally not. You can only qualify for the rent freeze if you have a mobile Section 8 voucher, sometimes called a *tenant-based voucher*. With this kind of voucher, if you move out of your apartment you can take your Section 8 with you and rent somewhere else.

However, you *can* get the rent freeze if you have a disability and you live in an apartment funded by the Housing Opportunity for People with AIDS program (HOPWA), the Supportive Housing Program, or the HOME Investment Partnerships Program. If you don't know whether or not you are in one of these programs, ask your housing manager.

How do I qualify for a rent freeze if I have a Section 8 mobile voucher, or live in an apartment funded by the HOPWA, Supportive Housing, or HOME Investment Partnerships programs?

First, you must **demonstrate that you are a person with a disability** (see the next question). If you are considered to be a person with a disability, you can get the rent freeze if:

- Before you got your job, you were unemployed for one or more years **or**
- You earned less than \$3375 over the 12 months prior to getting your job **or**
- You received welfare benefits or participated in a Welfare-to-Work program in the six months before getting your job **or**
- You got your job while participating in a job training or self-sufficiency program.

You only have to be in **one** of these categories to get the rent freeze.

Q:

How do I show that I am a person with a disability?

A:

For purposes of qualifying for the Section 8 rent freeze, you are a person with a disability if:

- You currently get SSI or SSDI disability benefits, or you are eligible for SSI or SSDI but do not currently get cash benefits because you are working **or**
- You receive services from the Department of Mental Health, the Department of Mental Retardation, the Massachusetts Rehabilitation Commission, the Massachusetts Commission for the Blind, or the Massachusetts Commission for the Deaf and Hard of Hearing

If you don't receive any government benefits or services, you will have to show your housing authority that you are a person with a disability. This means that you have a physical, mental, developmental, or emotional impairment that is expected to last a long time and that limits major life activities (such as walking, breathing, seeing, hearing, learning, or working).

You may also be considered a person with a disability if you have a history of a disability or if you are seen as someone with a disability. Your disability cannot be based solely on drug or alcohol addiction.

One of the best ways to show that you have a disability is to get a doctor or other health care professional to write a letter on your behalf describing your disability and how it limits major life activities.

If I qualify for the rent freeze and get a job, what happens to my rent?

For the **first 12 months** after you start working, all income related to your job is not counted towards your rent. This means that your rent stays the same. In the **second 12 months**, only half of your total work earnings will count towards your rent. For example, if you earn \$1000 each month, the housing administrator can only count \$500 of your earnings per month when calculating your rent.

If I think I qualify, what do I do?

Use the letter at the end of this guide to request a rent freeze, also called the *self-sufficiency incentive*, from the agency that administers your housing situation. This could be your local housing authority, your regional housing agency, or another organization in your community. For help in determining who should get this letter, talk with your housing manager. **Check all boxes that apply to you, and keep a copy for your records.**

If your rent freeze request is refused, find out why. If you disagree, you can file an appeal or grievance.

For more information about the rent freeze or how to file an appeal or grievance, contact a benefits planner, case manager, or local legal services office. To find your legal services office, call the Legal Advocacy and Resource Center at 800-342-5297/617-371-1226 (TTY) or go to www.masslegalhelp.org. Additional detailed information about the grievance process is available at www.masslegalhelp.org/housing/grievances.

I Got a Job. Can I

What type of housing do you live in?

Unsure → Ask your housing manager or check your lease.

Federal public housing

Did your household's income increase because you or a member of your household got a job?

Yes

Yes

Do **ANY** of the following conditions apply to you or the other person in your household?

- Before you got your job, you were unemployed for at least 30 days
- You earned less than \$3375 over the 12 months prior to getting your job
- You received welfare benefits or participated in a Welfare to Work program
- You got your job while you were in a job training or self-employment program

You only have to be in ONE of these categories to get a rent freeze.

No
The rent freeze does not apply to you.

Privately operated subsidized housing

Do you live in an apartment funded by the Housing Opportunity for People with AIDS (HOPWA) program, the Supportive Housing Program, or the HOME Investment Partnerships program?

Yes

Unsure

Ask your housing manager.

Yes

No
The rent freeze does not apply to you.

Section 8 Housing Choice Voucher or housing funded by the Housing Opportunity for People with AIDS (HOPWA) program, the Supportive Housing Program, or the HOME Investment Partnerships program

Do you, or does any working person in your household, have a disability?

Yes

Yes

Do **ANY** of the following conditions apply to you or the other person in your household?

- Before you got your job, you were unemployed for at least 30 days
- You earned less than \$3375 over the 12 months prior to getting your job
- You received welfare benefits or participated in a Welfare to Work program
- You got your job while you were in a job training or self-employment program

You only have to be in ONE of these categories to get a rent freeze.

No
The rent freeze does not apply to you.

Unsure

Do any of the following conditions apply?

- You currently get SSI or SSDI disability benefits, or you are eligible for SSI or SSDI but do not currently receive them
 - You receive services from the Department of Mental Health, the Department of Mental Retardation, the Massachusetts Commission for the Blind, or the Massachusetts Commission for the Deaf and Hard of Hearing
 - You have a physical, mental, developmental, or emotional impairment—other than drug or alcohol abuse—that substantially and permanently limits your ability to work full time and limits major life activities such as caring for oneself, performing physical tasks, learning, or interacting with others
- You are considered a "person with a disability" if ANY of the above conditions apply.**

State Public Housing, Massachusetts Rental Voucher Program (MRVP), or Alternative Housing Voucher Program (AHVP)

Have you begun a job since you became a state public housing, MRVP (Massachusetts Rental Voucher Program), or AHVP (Alternative Housing Voucher Program) tenant?

Yes

Yes

Did you receive cash benefits (TAFDC, EAEDC) for 12 months in a row before you started work?

No
The rent freeze does not apply to you.

Private, market rate

The rent freeze does not apply to you.

Information for Tenants in State Public Housing, the Massachusetts Rental Voucher Program (MRVP), or the Alternative Housing Voucher Program (AHVP)

If you go to work, your rent may not go up!

Q:

If I live in state public housing and get a job, will my rent increase?

A:

Maybe not. An increase in income usually means that your rent goes up. However, if you begin a job while living in state public housing, and you were previously not working, you might be eligible for an *earned income exclusion*. This is sometimes known as a *rent freeze*.

What if I have a Massachusetts Rental Voucher Program (MRVP) or Alternative Housing Voucher Program (AHVP) voucher?

These are both state-funded housing programs, so the rules are the same as for state public housing. You may be eligible for a rent freeze.

How does a rent freeze work?

If you qualify, a rent freeze means that even though your income increases because of a job, your rent will freeze at the pre-job level for a certain amount of time.

How do I qualify for a rent freeze in state housing programs?

You can get the rent freeze if before you got your job you:

- Received either TAFDC, EAEDC, SSI, or SSDI for the 12 consecutive months immediately prior to beginning your job **and**
- Once you started working, your government cash benefit assistance **decreased**

If you have questions about how work affects your SSI or SSDI benefits, call the Disability Law Center at 617-723-8455/617-227-9464 (TTY) or 800-872-9992. You can also contact the *Work Incentives Planning and Assistance* program nearest you, which is listed on the “get help” page of this packet.

Q:

Do I have to show that I have a disability to get the rent freeze in state housing programs?

A:

No. Any household member can get the rent freeze, regardless of disability.

If I qualify for the rent freeze and get a job, what happens to my rent?

For the **first 12 months** after you start working, income related to your job is not counted towards your rent, so your rent stays the same. **You can only get this exclusion once.**

If I think I qualify, what do I do?

Use the letter at the end of this guide to request a rent freeze, also called the *earned income exclusion*, from the agency that administers your housing situation. This could be your local housing authority or the agency that provided you with your voucher. For help in determining who should get this letter, talk with your housing manager. **Check all the boxes that apply to you, and keep a copy for your records.** If your rent freeze request is refused, find out why. If you disagree, you can file an appeal or grievance.

For more information about the rent freeze or how to file an appeal or grievance, contact a benefits planner, case manager, or local legal services office. To find your legal services office, call the Legal Advocacy and Resource Center at 800-342-5297/617-371-1226 (TTY) or go to www.masslegalhelp.org. Additional detailed information about the grievance process is available at www.masslegalhelp.org/housing/grievances.

Get Help

To find free legal services in Massachusetts, go to www.masslegalhelp.org and click on *Find Legal Aid* or contact the Legal Advocacy and Resource Center at 800-342-5297 (voice) or 617-371-1226 (TTY).

Free legal assistance

For free legal assistance for tenants with disabilities and technical assistance for housing and services providers, contact the Disability Law Center:

Voice: 617-723-8455
Toll-free voice: 800-872-9992
TTY: 617-227-9464
Toll-free TTY: 800-381-0577
Website: www.dlc-ma.org

Work Incentives Planning and Assistance Programs

Work Incentives Planning and Assistance services provide counseling to help individuals understand the impact of work on their benefits. Tenants who receive SSI or SSDI can get these services free of charge from the programs listed below:

Project IMPACT

Serves Barnstable, Bristol, Dukes, Nantucket, Plymouth, and Suffolk counties

Voice: 617-204-3854
Toll-free voice: 800-734-7475
TTY: 617-204-3600

BenePLAN

Serves Berkshire, Essex, Franklin, Hampden Hampshire, Middlesex, Norfolk, and Worcester counties

Voice: 508-647-1722
Toll-free voice: 1-877-937-9675
TTY: 508-652-7284

Independent Living Centers (ILCs)

ILCs are a network of consumer-controlled, community-based organizations that provide services and advocacy by and for people with all types of disabilities. These centers often address housing concerns. For a list of Massachusetts ILCs, go to www.mass.gov/mrc and click "independent living". You can also contact the Statewide Independent Living Council at 508-620-7452 (voice/TTY) or 866-665-7452 (toll-free voice).

Letter for Federal Public Housing

Date:

Dear Housing Authority Director/Manager:

I am writing to request a rent re-determination. I believe that I may be eligible for the “self-sufficiency incentive” because I recently started working and my income has increased.

- I live in federal public housing and **before I began my job:**
- I was unemployed for a year or more.
 - My total income in the previous year was less than \$3375 (based on the minimum wage in Massachusetts).
 - I received welfare assistance or participated in a Welfare-to-Work program within the previous six months.
 - I was in a job training or self-sufficiency program.

I believe that my entire increase in income should not be counted towards my rent for twelve months after I begin working. After that time, only half of the increase should count towards rent for another twelve months, according to the HUD regulation at 24 CFR § 960.255.

Please determine my correct rent and refund any amount of rent if an overpayment has occurred. Let me know what additional information or documentation you need from me to process this request. Please let me know in writing within ten days of the date of this letter what you plan to do to address my request.

Thank you for your prompt attention to this matter.

Sincerely,

Name: _____

Address: _____

Phone (Day): _____

Phone (Evening): _____

Letter for Section 8, HOPWA, Supportive Housing, and HOME
Investment Partnerships Programs

Date:

Dear Housing Administrator:

I am writing to request a rent re-determination. I believe that I may be eligible for the “self-sufficiency incentive” because I recently started working and my income increased.

- I have a Section 8 Housing Choice Voucher **OR**
- I live in an apartment funded by the HOPWA, Supportive Housing, or HOME Investment Partnerships program
- I have a disability, and ***before I began my job:***
 - I was unemployed for a year or more.
 - My total income in the previous year was less than \$3375 (based on the minimum wage in Massachusetts).
 - I received welfare assistance or participated in a Welfare-to-Work program within the previous six months.
 - I was in a job training or self-sufficiency program.

I believe that my entire increase in income should not be counted towards rent for twelve months after I begin working. After that time, only half of the increase should count towards my rent for another twelve months, according to the HUD regulation at 24 CFR §5.617.

Please determine my correct rent and refund any amount of rent if an overpayment has occurred. Let me know what additional information or documentation you need from me to process this request. Please let me know in writing within ten days of the date of this letter what you plan to do to address my request.

Thank you for your prompt attention to this matter.

Sincerely,

Name: _____

Address: _____

Phone (Day): _____

Phone (Evening): _____

**Letter for Massachusetts State Public Housing Programs
(Public Housing, MRVP, AHVP)**

Date:

Dear Housing Administrator:

I am writing to request a rent re-determination. I believe that I may be eligible for the “earned income exclusion” because I recently started working and my income increased.

- I live in state public housing, or have an MRVP or AHVP, and **before I began my job:**
 - I received for twelve consecutive months:
 - TAFDC
 - EAEDC
 - SSI
 - SSDI

- After my job began, my cash assistance benefits decreased.

I believe that my entire increase in income should not be counted towards rent for twelve months after I begin working, according to the DHCD regulation at 760 CMR § 6.05(3)(i).

Please determine my correct rent and refund any amount of rent if an overpayment has occurred. Let me know what additional information or documentation you need from me to process this request. Please let me know in writing within ten days of the date of this letter what you plan to do to address my request.

Thank you for your prompt attention to this matter.

Sincerely,

Name: _____

Address: _____

Phone (Day): _____

Phone (Evening): _____

This guide was written by:

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