



Tenant Participation Activity (TPA) Guidebook

A Comprehensive Handbook for NYCHA Residents

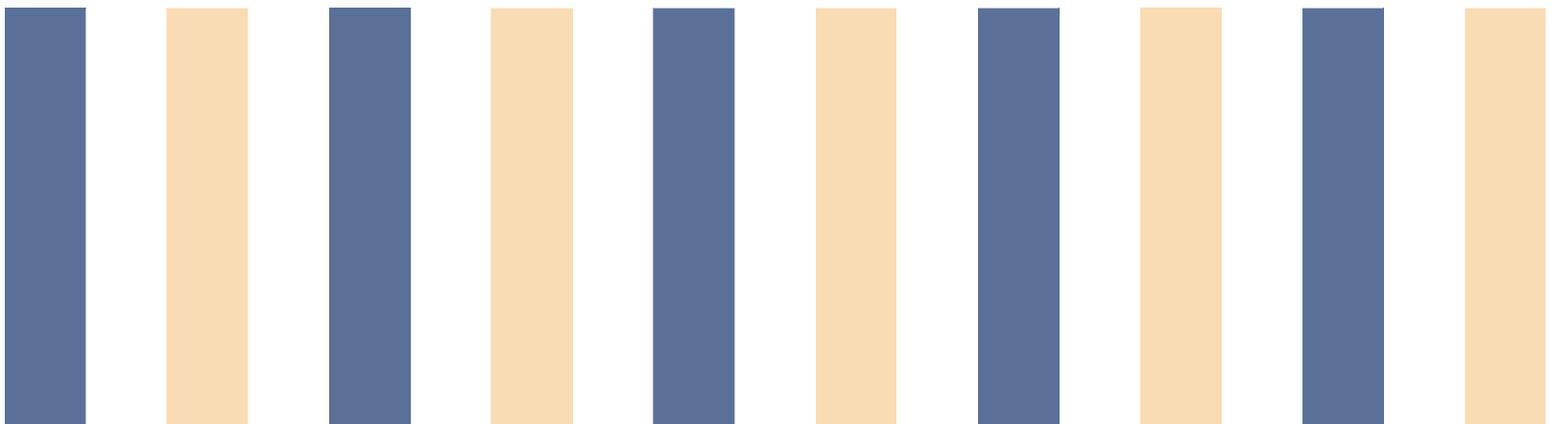


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TENANT PARTICIPATION ACTIVITY UNIT CONTACT INFORMATION

Coordinators

Bronx:	Diane Lewis-Hinton, (212) 306-2924
Brooklyn East & South:	Herold Nicolas, (212) 306-2935
Brooklyn West:	Brian Denman, (212) 306-2882
Manhattan North & Staten Island:	Tracey Pringle, (212) 306-3460
Manhattan South & Queens:	Susan Unger, (212) 306-3479

Assistant Director

Colin Murray, (212) 306-3396

Acting Director of Resident Engagement

Juan Santiago, (212) 306-2925

OTHER IMPORTANT CONTACT INFORMATION

Office of Inspector General

- Located at: 250 Broadway, New York, NY 10007
- Phone: (212) 306-3355 or (212) 306-3356
- Email: IG@NYCHA.NYC.GOV

Conflict of Interest Questions

- Ethics Hotline: (212) 306-4000

FUNDING OVERVIEW AND APPLICATION INSTRUCTIONS

SUMMARY

Resident participation is a key component of building a positive living environment. Tenant Participation Activities (TPA) funding is provided by the Department of Housing and Urban Development (“HUD”) to the New York City Housing Authority (“NYCHA”) to support resident engagement activities. The regulations governing the administration of these funds are set forth in the Code of Federal Regulations, Title 24, Part 964 Subparts A, B and C (portions of which are set forth herein). In addition, HUD issued Notice PIH 2013-21 (HA) on August 23, 2013, “Guidance on the use of Tenant Participation Funds,” which includes guidance on the roles of housing authorities and resident associations, resolution of disputes, allowable and unallowable activities, and proposed criteria for evaluating the use of tenant participation funds. NYCHA encourages residents to refer directly to the HUD regulations and PIH notice, which are included as attachments. Sections of the PIH Notice are also included in the body of this document.

Subpart A 964.1 Purpose.

The purpose of this part is to recognize the importance of resident involvement in creating a positive living environment and in actively participating in the overall mission of public housing.

Subpart B 964.150 Funding tenant participation.

(a) Funding duly elected resident councils and jurisdiction wide resident councils.

(1)The HA [Housing Authority] shall provide funds it receives for this purpose to the duly elected resident council at each development and/or those jurisdiction-wide councils eligible to receive the resident portion of the tenant services account to use for resident participation activities. This shall be in addition to the Performance Funding System (PFS), as provided by 24 CFR part 990, to permit HAs to fund \$25 per unit per year for units represented by duly elected resident councils for resident services, subject to the availability of appropriations. Of this amount, \$15 per unit per year would be provided to fund tenant participation activities under subpart B of this part for duly elected resident councils and/or jurisdiction-wide councils and \$10 per unit per year would be used by the HA to pay for costs incurred in carrying out tenant participation activities under subpart B of this part, including the expenses for conducting elections, recalls or arbitration required under § 964.130 in subpart B. This will guarantee the resources necessary to create a bona fide partnership among the duly elected resident councils, the HA and HUD. Where both local and jurisdiction-wide councils exist, the distribution will be agreed upon by the HA and the respective councils.

PIH Notice 2013-21 (HA) page 1, item 3.

Background: The regulations on tenant participation funding allow for a more active resident role in determining TP funding use and a broader range of eligible activities than was previously outlined in PIH Notice 2001-3, including allowing self-sufficiency activities as eligible uses. The regulations at 964.150(a)(2) require PHAs to provide TP funds to duly elected resident councils.

The regulation also states that TP funds must be used for activities outlined in 964 subparts B and this Notice clarifies that subpart C is also applicable in providing guidance on the use of TP funds, specifically 964.205(b)(1)-(6). A list of eligible uses is provided in Section 7 of PIH Notice 2013-21.

Please Note: NYCHA resident councils are generally referred to as Resident Associations. Unless specifically referring to development level Resident Associations, such as in the section above, the term “Resident Association” in this document refers to all Resident Associations including the District Councils and the Citywide Council of Presidents.

TPA funds can be used at the citywide, district, or local level for a variety of resident participation activities. The following is a guide to how TPA funds are administered at NYCHA.

HOW FUNDING IS DETERMINED

In 2001 HUD provided NYCHA with the first distribution of specific funding on an annual basis for Tenant Participation Activities (TPA). These funds are allocated to NYCHA based on a formula of \$25 per unit of occupied public housing per year. The actual per unit amount provided by HUD to NYCHA may vary *subject to the availability of appropriations*:

If HUD provides the full appropriation, then the entire \$25 per unit will be allocated. If NYCHA receives 90 percent of its appropriation, for example, then NYCHA will receive \$22.50 per unit.

NYCHA’s share of TPA funds is 40 percent of the funds allocated by HUD (\$10 per unit at full subsidy) which NYCHA will use for costs incurred in carrying out tenant participation activities.

The share of the HUD allocation for use by Resident Associations at NYCHA’s developments is 60 percent (\$15 per unit at the full subsidy level). In addition to the HUD subsidy percentage, the amount of per development allocation will also be impacted by the following:

- There will be a slight adjustment based on the number of fully occupied units at the time NYCHA applied for the subsidy from HUD and the number of fully occupied units at the time the funds are distributed to NYCHA.
- Funds budgeted for the Citywide Council of Presidents (CCOP) pursuant to NYCHA policy.
- Funds budgeted for the nine (9) District Councils of Presidents (DCOPs) pursuant to NYCHA policy.

Pursuant to 964.150 (a)(1), “where both local and jurisdiction-wide councils exist, the distribution will be agreed upon by the HA and the respective councils.” Therefore, the budget for the Citywide Council of Presidents (CCOP) must be agreed to by a majority of Resident Association boards citywide.

Budgets for the nine (9) District Councils of Presidents must be agreed to by a majority of Resident Association Boards within the particular district.

ELIGIBLE APPLICANTS

TPA funds are only available to Resident Associations that have a minimum five (5)-member board, duly elected in accordance with applicable federal regulations and the Resident Association's own by-laws, and are recognized by NYCHA. Resident Associations must have current by-laws on file with their District Council of Presidents and NYCHA.

Funds allocated to developments that do not have an organized Resident Association cannot be budgeted or otherwise used until such time that a recognized association is in place. Applications for use of TPA funds can be developed and submitted by:

- NYCHA-recognized individual local development Resident Associations;
- NYCHA-recognized District Councils in consultation with the NYCHA-recognized Resident Associations they represent; and
- NYCHA-recognized Citywide Council of Presidents (CCOP), in consultation with the NYCHA-recognized Resident Associations it represents.

All resident associations (local development, District Council, and Citywide Council of Presidents) must be recognized by NYCHA in order to be eligible for TPA funds. **It is NYCHA's responsibility to monitor the Resident Associations' elections to ensure that all resident associations conduct fair and frequent elections, and that resident associations follow their own election procedures as set forth in 24 C.F.R 964.130.**

Section 964-130(b). If a resident council fails to satisfy HUD minimum standards for fair and frequent elections, or fails to follow its own election procedures as adopted, HUD shall require the HA to withdraw recognition of the resident council and to withhold resident services funds as well as funds provided in conjunction with services rendered for resident participation in public housing.

RECIPIENTS INELIGIBLE FOR RESIDENT PARTICIPATION FUNDS

(NOTICE PIH 2001-3 PAGE 4):

Housing choice and enhanced voucher recipients are not eligible for resident participation funding from the operating subsidy.

ROLES OF THE HOUSING AUTHORITY AND RESIDENT ASSOCIATIONS

PIH Notice 2013-21 (HA) Item 4, pages 1 and 2: Tenant Participation Funds and the Roles of PHAs and Resident Councils. Below is language from pages 1-3 of the notice regarding roles and responsibilities:

Tenant Participation Funds and the Roles of PHAs and Resident Councils. To correctly apply HUD's policy on TP funds, it is important that PHAs and RCs understand their specific roles and responsibilities.

The Role of the PHA

The PHA's role in regards to the use of TP funds is to:

- ***Provide*** TP funds to duly elected RCs as required by § 964.150(a)(2) (TP funds may be prorated due to Operating Fund proration);
- ***Collaborate*** with RCs on how funds will be distributed in accordance with § 964.150(3);
- ***Administer*** TP funds reasonably and efficiently, including establishing policies on how a RC is to make a request for TP funds and ensuring that funds are being used responsibly;
- ***Enter*** into a written agreement with a RC on the use of TP funds as described in § 964.150(b)(3);
- ***Ensure*** the RC's requested activity is consistent with the requirements under § 964, subparts B and C;
- ***Maintain*** accurate records of TP funds and expenditures and provide this information to RCs; and
- ***Advise*** RCs on the supporting documentation that may be necessary to verify and audit expenses.

PHA policies on the use of TP funds should be designed to ensure that each funding request from a RC:

- *Is consistent with the applicable HUD requirements and the PHA Plan;*
- *Incorporates appropriate financial controls, including the submission of a budget, conforms with procurement rules and insurance requirements, etc.; and*
- *Meets other administrative requirements specified in the written agreement between the PHA and the RC.*

PHAs may need to provide or encourage RCs to seek technical assistance in the areas of administration, budgeting, and financial reporting to comply with PHA policy. If an RC does not have the technical capacity to comply with PHA TP fund use policy, the PHA may use TP funds to provide technical assistance and training in these areas to the RC.

If residents have not yet established a RC, the PHA should fund allowable activities for residents and may use TP funds to improve resident capacity in establishing and operating a RC.

The Role of the Resident Council

In accordance with § 964.100, the role of the resident council (RC) is to improve the quality of life and resident satisfaction and to participate in self-help initiatives that enable residents to create a positive living environment for families living in public housing.

The RC's responsibility regarding tenant participation funds includes:

- *Entering into a written agreement with the PHA in order to receive the TP funds;*
- *Submitting a budget for the use of the TP funds;*
- *Providing assurances that all resident council expenditures will not violate provisions of law and will promote serviceability, efficiency, economy and stability in the operation of the local development; and*
- *Accounting to the PHA for the use of the funds and permitting the PHA to inspect and audit the resident council's financial records related to the agreement.*

RCs and their leadership play an active role in determining how the tenant participation funds will be used to improve the quality of life for public housing residents. In accordance with 24 CFR Part 964 subpart B, each RC has the ability to decide which activities they will pursue to expend TP funds as long as they:

- (1) Meet the intent of HUD's regulations;*
- (2) Comply with the PHA's tenant participation funding guidelines and procurement policies; and*
- (3) Are made in accordance with the written agreement with the PHA.*

Under previous guidance a program providing literacy materials for children could be denied by the PHA. Under this updated guidance, this activity should be an allowable activity because it is consistent with those activities listed under § 964.205(b)(1)-(6). Additional examples of activities that would be allowable under this updated policy, and examples of unallowable activities, are listed in Section 6 of the PIH Notice 2013-21. These lists are not exhaustive.

TENANT PARTICIPATION FUNDS IN MIXED-INCOME COMMUNITIES

PIH Notice 2013-21 (HA) Item 5, page 3, addresses the use of Tenant Participation Funds in Mixed-Income Communities.

Public Housing residents in mixed-income communities are eligible to use TP funds in accordance with the requirements outlined in this Notice.

(HUD) recommends that the amount of TP funds used for eligible activities be in appropriate proportion to the number of public housing residents who live in the development or community. For example, if a mixed-income development is composed of half public housing residents and the resident association would like to purchase computers for a community center, the resident association could fund half of this expense with TP funds. TP funds along with other sources of funds may be used to support eligible resident participation and self-sufficiency activities benefitting all of the development's residents. This does not prohibit the ability of these associations and/or management from funding activities entirely with other sources.

PHAs serving mixed-income communities must adopt policies as outlined in Section 4 of the Notice regarding the use of TP funds in these communities.

RESOLUTION OF DISPUTES

HUD PIH Notice 2013-21 (HA) addresses the process for resolving disputes between the HA and the RA on page 3, Section 6, as follows:

The Department (HUD) strongly encourages residents and PHA staff to resolve questions concerning specific uses of TP funds or proposals for TP funds at the PHA level. § 964.150(a)(3) states that if a dispute over funding arises:

- *The issue shall be referred to the HUD Field Office for intervention.*
- *The Field Office will require the parties to undertake further negotiations to resolve the dispute.*
- *If there is no resolution after 90 days from the date of the Field Office intervention, the issue shall be referred to HUD Headquarters for final resolution.*

Issues deemed unresolved by the Field Office shall be referred to the Office of Public Housing Programs office, and other program offices, as appropriate, in Headquarters for resolution.

While HUD may hear disputes over uses of TP funds, the Department cannot overturn PHA policies that are consistent with relevant statutes and regulations. HUD can determine whether the PHA's policy is a permissible implementation of the applicable statutes and regulations.

ELIGIBLE PARTICIPANTS/BENEFICIARIES

TPA Funds can be used by Resident Associations only for eligible activities to benefit residents of NYCHA public housing developments and maximize resident participation. Only residents who are listed on the official Family Composition for a public housing unit may participate in TPA funded activities. Each TPA application must include the "AGREEMENT TO ENSURE PARTICIPATION OF AUTHORIZED RESIDENTS IN TENANT PARTICIPATION ACTIVITIES," (see attached) signed by the RA President, District Council Chair or CCOP Chair, as appropriate. This Agreement identifies Resident Association responsibilities in ensuring resident participation.

Attendance Sheets – In order to justify expenditures to HUD, it is essential that Resident Associations and NYCHA track resident participation in TPA programs. Resident Associations must use the **TPA Attendance Sheet** (attached) at each TPA-funded event or meeting to record the **name and address** of each person attending or participating. It is recommended that Resident Associations use sign-in sheets at every event they may sponsor in order to track resident participation and service delivery.

ALLOWABLE AND UNALLOWABLE ACTIVITIES

The following sections on eligible activities are from PIH-Notice 2013-21 (HA), Item 7, pages 3-5:

The following is not a comprehensive list of allowable and unallowable activities. However, this represents a starting framework that PHAs may use in establishing their TP policies and for RCs to assess the suitability of requests for the use of TP funds.

Allowable Activities

Those included in PIH Notice 2001-3 and those outlined in § 964.140 and 964.150:

- *Consultation and outreach efforts that support active interaction between the PHA and residents;*
- *Activities that inform residents on issues and/or operations that affect resident households and their living environment;*
- *Resident surveys and other mechanisms to collect resident input;*
- *Annual membership events or site-based community activities that enhance resident participation;*
- *Resident commissioner training, resident council (RC) training, resident advisory board (RAB) training, leadership development, household training, orientation, and training for new and existing residents on resident responsibilities;*
- *Resident council elections and organizing;*
- *Planning functions for matters such as the Public Housing Agency Plan (PHA Plan), revitalization, safety and security, property management and maintenance, and capital improvements;*
- *Reasonable refreshment and light snack costs that are directly related to resident meetings for the activities discussed in this section; and*
- *Stipends to resident council officers who serve as volunteers in their public housing developments.*
- *Self-sufficiency and capacity building activities, such as those listed in § 964.205:*
- *Social support needs (such as self-sufficiency and youth initiatives) including: coordination of support services; training of residents for programs such as child care, early childhood development, parent involvement, volunteer services, parenting skills, before and after school programs, and senior programs; training programs on health, nutrition and safety; child abuse and neglect prevention; tutorial services, including those in partnership with community-based organizations such as local Boys and Girls Clubs, YMCA/YWCA, Boy/Girl Scouts, Campfire and Big Brother/Big Sisters, etc.; youth education and sports programs; drug use and violence prevention programs; financial literacy and credit counseling;*
- *Resident management training for residents in skills directly related to the operation, management, maintenance, and financial systems of a project as potential employees of an existing or proposed resident management corporation (RMC), including training on nondiscrimination and equal opportunity requirements; and*
- *Training related to the development of resident-owned businesses and technical assistance for job training and placement in RMC developments.*

Unallowable Activities

Any activity outside the scope of the PHA policy and HUD regulatory requirements behind TP funds and activities. Unallowable expenses also include any activities prohibited by laws related to fair housing and non-discrimination. In addition, the [Office of Management and Budget's \(OMB\) Circular A-87](#) prohibits the use of federal funds, including TP funds, for the following:

- Purchase of alcoholic beverages;
- Entertainment, where the dedicated purpose of the event falls under the following categories:
 - Amusement (trips to theme parks, county fairs, etc.);
 - Diversions (theatre, movies, sports events, etc.);
 - Social activities (parties, bowling nights, etc.);
 - Any directly associated costs for the events in the categories above (tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities); and
 - Organized fund raising costs, including financial campaigns, solicitation of gifts and bequests, and similar expenses incurred to raise capital or obtain contributions, regardless of the purpose for which the funds will be used.

Although TP funds cannot be used for the activities listed above, the Department encourages RCs and PHAs to seek additional funds or partnerships to provide activities with beneficial outcomes to public housing residents and communities.

CCOP

If funds are transferred to CCOP (the jurisdiction wide council), CCOP must ensure that the procurement procedures of all Resident Associations conform to the requirements of 24 C.F.R. 85.36.

EXAMPLES OF ALLOWABLE ACTIVITIES

Examples of allowable activities based on the categories listed above, include, but are not limited to, the following:

- Resident Council (RC) office expenses; purchase of office equipment, furniture, supplies; phone and internet service; business cards;
- Purchase and distribution of promotional items such as desk calendars, T-shirts and pens that are imprinted with the Resident Council logo;
- Development and operation of newsletters and websites;
- Purchase of locking bulletin boards for use in building lobbies;
- Legal assistance expense and filing fees related to formation, and maintaining registration, of legal entity, obtaining 501(c)(3) tax-exempt status;
- Training related to promotion of Section 3 employment readiness and Section 3 business development;
- Training related to addressing significant barriers to employment, such as providing basic employment skills, GED, & ESL training;
- Computer training for residents;
- English as a Second Language (ESL) training;
- Teen leadership and anti-gang/anti-violence programs, including a retreat component for team-building and trips supporting the leadership goals and program curriculum, including college tours;
- Programs for seniors that address potential barriers to broader participation;
- Transportation costs related to resident participation meetings and activities; and
- Reasonable costs associated with Resident Association Board Installation Event including reasonable refreshments.

EXAMPLES OF UNALLOWABLE ACTIVITIES

Additional unallowable expenses based on the categories listed above, include, but are not limited to, the following:

- Food beyond reasonable refreshment and light snack costs for resident meetings;
- Purchase of furniture and equipment for general use of NYCHA community facilities and senior centers or for general use of any other entity;
- Giveaways such as gifts or gift cards to encourage participation in a program or as a reward for participation, with the exception of promotional items of minimal value, imprinted with the Resident Association logo, or modest plaques or certificates;
- Purchase of equipment, supplies, or services for a resident-owned business; and
- Day-to-day supplies such as coffee, tea, sugar, salt, or other food and drink items for the general use of the Resident Association.

PREPARING THE APPLICATION

Requests for TPA funds must be submitted using the TPA Funding Application (attached) and must contain the following information:

Page 1 – Summary Sheet

Identify all persons or entities that will provide such activities and the Development(s) or Resident Associations who will benefit from such activities (items 1&2).

Based on solicited and received price quotations, list the cost of activities. When such activities are composed of two or more discrete and separately priced components with separate price quotes, list each component on separate lines. Provide a total cost (*item 3*).

Sign the application. If more than one Resident Association is applying, then each Resident Association's President must sign.

Page 2 – Application Detail

Describe in detail the activities to be funded, TPA eligibility according to the categories identified above, the target population, location, activities' schedule (if applicable), and goals to be achieved.

Required Attachments:

- Written proposals, résumés, and any applicable professional certificates (from consultants providing professional services, such as training or other services);
- Consultants' and vendors' price quotes and signed "Conflict of Interest" certification (page 3 of TPA Funding Application);
- "Agreement To Ensure Participation Of Authorized Residents In Tenant Participation Activities", if applicable;
- List of resident participants, if applicable and if available at the time of submission, and, for any TPA application request for out-of-town travel, a list of travelers verified by management as NYCHA residents on the lease or included in the official Family Composition;
- Certificates of insurance for consultants which comply with NYCHA insurance requirements, if applicable; and
- With the exception of Family Day, all TPA applications submitted for activities that take place outdoors on NYCHA property must include an Application for Temporary Use of Exterior/Interior Space (088.043) approved by Property Management (attached).

- Consultants for programs serving residents under 13 years old must have the following clearances prior to providing services:
- New York State Office of Children and Family Services (OCFS) Statewide Central Register Database Check. A fully complete original form prepared by the consultant must be submitted with the TPA application. The form will be submitted to the Regulatory Compliance Unit for review and, if correctly completed, will be forwarded to New York State.
- New York State Fingerprinting Clearance. TPA Coordinator will provide a potential consultant with the OCFS Request for New York State Fingerprinting Services Form. The consultant must schedule an appointment with a New York State fingerprinting provider in order to begin the clearance process.
- Insurance: please see section on insurance requirements for consultants serving youth 18 years and younger.
- Any other items needed by NYCHA to support and justify the program and budget.

TPA FUNDING APPLICATION CHECKLISTS

- Review checklists (attached) of required documents to submit with different types of TPA Funding Application. Attach checklists to your TP Funding applications and review the application to ensure that all items are included in your application.
- Discuss the Funding Application with the TPA Coordinator prior to submission and review the items in the checklist to confirm what is needed for your application.
- Please note that although some of the checklists indicate that insurance is required of consultants, the actual insurance requirements for different types of activities are included in this Guidebook and should be the point of reference for Resident Associations and consultants. Resident Associations can also forward the consultants' Letter of Intent describing the scope of work, and age of participants, to the TPA Coordinator **prior to submitting the TPA Funding Application**. TPA Coordinators will reach out to NYCHA's Risk Finance Department for the insurance requirements and will advise the Resident Association.

CONFLICTS OF INTEREST

Resident Associations and providers must disclose any real or potential conflict of interest that may exist between the Resident Association's proposed TPA activity and the proposed provider(s). Such a conflict might arise when, for example, the provider is a family member, partner, or employer of a Board Member of the Resident Association applying for funding. All proposed or selected TPA providers must disclose if their entity is owned by or affiliated with an elected official or the elected official's staff and/or family members, and any relationships between the Resident Association Board Member(s) and such elected official, staff member or family member so affiliated.

In accessing TPA funds for eligible activities, Resident Associations are considered subgrantees of NYCHA. 24 CFR 85.36(b)(3) contains certain requirements governing conflicts of interest that applies to resident associations as subgrantees of NYCHA. 85.36(b)(3) provides as follows:

(3) Grantees and subgrantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the grantee or subgrantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- *The employee, officer or agent,*
- *Any member of his immediate family,*
- *His or her partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.*

The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. Grantee and subgrantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and subgrantee's officers, employees, or agents, or by contractors or their agents. The awarding agency, or the Resident Association, may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

SUBMITTING THE APPLICATION

Applications can be discussed with the TPA Coordinator for advice and technical assistance prior to submission for approval.

TPA applications must be completed and signed by the submitting Resident Association, District Council, or CCOP representative.

Individual local development Resident Association applications must then be submitted to the District Council for approval. If the District Council representative finds the application incomplete, s/he may suggest that the RA seek assistance from the TPA Coordinator and then resubmit. Otherwise, the District Council will have 10 business days to approve or disapprove the application. Each District Council Chair also sits on the City-wide Council of Presidents and will confer as needed with the CCOP Chair. If the District Council disapproves an application, the Resident Association may appeal in writing to the TPA Coordinator, who will submit the appeal to NYCHA supervisory staff for further consideration; if the application was disapproved by the District Council, they will be asked to submit a rationale to the TPA Coordinator within five (5) business days of receipt of the appeal. Unless the District submits a rationale for disapproval supported by the HUD regulation, NYCHA will approve completed applications for TPA eligible activities subject to confirmation that the services were procured in accordance with applicable procedures.

An application originating with District Council or CCOP, must be submitted for review to the TPA Unit. NYCHA shall review the TPA proposal and provide a final determination with respect to such TPA proposal.

NYCHA will provide the CCOP Chair with copies of the cover page of all TPA proposals that are submitted by Resident Associations and District Councils.

Please Note: NYCHA's goal is to complete its review of Funding Applications within five (5) business days of receiving an application and to advise resident associations within the five (5)-day period of any circumstances needed for a review beyond the five (5)-day period. Complete applications must be submitted at least 30 days prior to the fixed or scheduled start date of any service. Complete applications for out-of-town travel must be submitted for NYCHA's review six calendar weeks in advance of the travel date. See section on Conferences, Retreats, Travel, and Lodging.

PROPOSED CRITERIA FOR EVALUATING USE OF TP FUNDS

PIH Notice 2013-21 (HA), Item 8, page 5, includes the following section on evaluating use of TP funds:

HUD encourages PHAs and RCs to consider the following criteria in conducting the evaluation of proposed TP fund expenditures:

- *Is the proposed TP activity consistent with the written agreement between the PHA and the RC regarding TP funding?*
- *Is the requested activity consistent with the intent of HUD's regulations and the PHA's policies?*
- *Is the request clear? What exact activity or resource is being requested by the RC?*
- *Will residents have equal or broad access to the resource being provided? Will this expense benefit an individual or is it being made available to a larger group?*
- *Is the proposed TP activity reasonable in cost? Does the request include consideration of other more affordable alternatives? Can other vendors provide a similar resource at a lower cost? Will this expense present any conflicts of interest? Does the proposed expense abide by applicable procurement policies?*
- *Is the requested expense reasonable considering the PHA's size, residents served, and the amount of TP funds available?*
- *Is the proposed TP activity to take place locally? If not, is there a compelling reason for the activity to take place outside of the PHA's jurisdiction?*
- *Are the needs of the community, such as those documented in the PHA Plan, being met by the proposed TP activity?*
- *Will the RC be able to provide the appropriate receipts and invoices for auditing purposes?*

In addition, HUD recommends that PHA policy on TP fund use require a written explanation for any denied requests, which should provide specific details as to why the request failed to meet established evaluation criteria.

Once a TPA application is approved by NYCHA, the TPA Coordinator will notify the submitting Resident Association and take necessary actions to implement the proposed activities, such as ordering materials, preparing consultant agreements, and initiating purchase order requests.

If a TPA application is disapproved, the TPA Coordinator will endeavor to provide a written explanation to the submitting Resident Association within five (5) business days of receiving the application with specific details as to why the request failed to meet the established evaluation criteria.

Appeal Process: Applicants whose applications have been disapproved by NYCHA may appeal this decision by making a request in writing to NYCHA.

TRAINING - TPA FUNDING APPLICATION

NYCHA will endeavor to provide quarterly training to Resident Associations in the TPA funding application preparation and submission process.

BIDDING AND PROCUREMENT REQUIREMENTS FOR SERVICES

Bidding requirements to be followed by Resident Associations for all services to be procured must comply with the following:

- For services of \$5,000 or less, no written or advertised solicitation is required. The Resident Association requesting the services must take steps to ensure that the item/service is obtained at a fair and reasonable price. One written bid is sufficient from one solicited party.
- For services valued at more than \$5,000 but not in excess of \$100,000, the solicitation process must comply with the “Small Purchase Procurement” requirements. Either (a) NYCHA at the request of the Resident Associations, will advertise in the City Record, or in a trade or other publication calculated to reach parties interested in bidding, at least 10 days prior to the due date for bids (no minimum number of bids is required.); or (b) the RA will make an oral or written solicitation to at least three bona fide bidders (a minimum of three (3) written bids must be received).
- Services valued at more than \$100,000 must be procured pursuant to a written “Request for Proposals” (RFP), and must be advertised. No minimum number of written proposals is required. If used, and in accordance with 24 CFR 85.36(d)(3):
 - *The RFP will be publicized and identify all evaluation factors and their relative importance. Any response to publicized RFPs shall be honored to the maximum extent practical;*
 - *Proposals will be solicited from an adequate number of qualified sources;*
 - *Grantees and subgrantees must demonstrate a method for conducting technical evaluations of proposals received and for selecting awardees; and*
 - *Awards will be made to the responsible firm whose proposal is most advantageous, with price and other factors considered.*
- A summary of any solicitation process must be attached to the respective TPA application containing information about who was involved, the solicitation documentation issued, the parties/entities to which the solicitation was sent and the responses received. Any additional records must be maintained and made available for inspection upon request by NYCHA and other funding authorities. Following review and approval of the TPA application, including the solicitation and selection process, NYCHA will enter into Agreement with the approved provider/vendor.
- NYCHA must comply with New York City Local Law 34 which requires that vendors complete Doing Business Data Forms for solicitations and awards with a value of \$5000 or more.

Please Note: Both grantees and subgrantees must follow the requirements of 24 C.F.R. 85.36 which provides that grantees and subgrantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified. Regarding TPA funds, NYCHA is the grantee, and the Resident Associations are the subgrantee(s) in instances where NYCHA provides funds directly to the resident association to procure activities conforming with a funding proposal and budget submitted to NYCHA and the applicable agreement.

PROCUREMENT OF MATERIALS

Materials: Resident Associations must attach quotations identifying the items requested to the TPA application in order to budget costs. There is no guarantee that NYCHA will purchase items from the vendor whose quote is included in the TPA application. Please note that for larger orders, such as the purchase of materials and supplies costing in excess of \$25,000 from a single vendor, NYCHA must advertise and receive sealed bids, so additional time may be needed.

Please Note: Failure to accurately and fully complete the entire application package may result in the disapproval of a TPA application by the District Council, CCOP, or NYCHA.

TPA FUND DISBURSEMENT

Upon approval of a TPA application by NYCHA, proposed providers must register with NYCHA as vendors/contractors if not already registered. Vendors can register with NYCHA on its website at www.nyc.gov/html/NYCHA by following the links for Doing Business with NYCHA. All payments for TPA programs will be issued by NYCHA directly to the vendor or contractor that provided the services/programs, after approval by the Resident Association or District Council or CCOP.

NYCHA requests that all vendors and contractors doing business with NYCHA submit the original invoices upon delivery of materials or when services are rendered to the following address:

New York City Housing Authority
Accounts Payable Division
PO Box 3636
Church Street Station
New York, NY 10008.

TPA vendors and contractors are also required to send a copy of the invoice along with a full set of supporting documents to the TPA Unit.

RESIDENT ASSOCIATIONS' RESPONSIBILITIES

Each Resident Association recipient of TPA funds must maintain records for a period of no less than five (5) years after TPA funds are provided. Those records must include the following:

- Documentation that the Resident Associations (or providers to whom they have delegated this responsibility) have actively recruited appropriate participants for TPA activities by posting flyers development-wide, or using other development-wide promotion methods. All residents of the targeted development(s) must have an opportunity to participate in TPA. If there are a limited number of slots available in a TPA program, the Resident Associations must propose and use an equitable method for selecting participants such as a lottery or selecting those that sign up first. The Resident Associations must maintain records of any selection process. NYCHA reserves the right to monitor any selection process.
- Copies of all approved TPA applications.
- Copies of all solicitations conducted by Resident Associations, including independent cost estimates, reasons for choosing selected procurement method, quotes requested and submitted and records of the evaluation and selection process.
- Signed acknowledgements for all delivery of equipment, furniture or supplies. (A copy of the receipt must also be mailed or faxed to the TPA Fulfillment Unit).
- Records of all consultant services (classes, training programs, etc.) delivered and a copy of all time sheets and payment requests. It is the responsibility of the Resident Associations to monitor consultant services to ensure that services are delivered, consistent with their contract.
- A written evaluation of the services rendered by each TPA consultant, a copy of which should be provided to the TPA Coordinator (*a Sample Evaluation Form is attached*).
- Completed attendance sheets for all TPA- funded meetings, events, classes, etc., copies of which should also be provided to the TPA Coordinator (*Sample Attendance Sheet attached*).

NYCHA shall have the right to inspect and photocopy all written TPA records.

Members of Resident Associations (RAs), including District Councils and CCOP, must report directly and without delay to the appropriate law enforcement organization, which may include the NYCHA Office of the Inspector General ("OIG"), any and all information concerning conduct that they know or should reasonably know, to involve corrupt or criminal activity, or a conflict of interest in relation to TPA activities, the obligation and expenditure of TPA funds, paperwork submitted by the RAs to NYCHA, or other activities involving the RAs. The RAs shall cooperate with the investigating agency regarding any requests, including requests for interviews and documents.

TECHNICAL ASSISTANCE

If you need assistance in the development or preparation of your TPA application, please contact your TPA Coordinator.

STEPS FOR THE PROCUREMENT OF CONSULTING AND OTHER SERVICES

(EXCLUDING CONSTRUCTION, MATERIALS AND SUPPLIES)

The chart below summarizes the applicable requirements, consistent with NYCHA’s Contract Procedure Resolution (CPR), for the procurement of services described above.

Dollar Threshold (As determined by Independent Cost Estimate)	Written Document Required? Advertising Required?	How Many Bids Must be Received?
\$5,000 or less. This threshold is inclusive of all related expenses including miscellaneous, travel or lodging.	<p>No written solicitation or advertising required.</p> <p>Applicant resident entity must ensure that the contract is obtained at fair and reasonable price.</p> <p>If bid comes in over \$5000, three bids are required (see below).</p>	One (written or oral) bid is sufficient from one solicited party.
<p>More than \$5,000 but not in excess of \$100,000.</p> <p>“Small Purchase Procurement”</p>	<p>Either:</p> <p>(a) Prior to receipt of bids, advertise once for at least 10 days in the City Records or trade publications circulated to interested parties; or</p>	<p>(a) No minimum number of bids is required.</p> <p>If bid or bids received are over \$100,000, the RFP process below must be used.</p>
	<p>(b) Make an oral or written solicitation to at least three bona bidders.</p>	<p>(b) A minimum of three (3) written bids must be received.</p> <p>If the 3 bids are over \$100,000, the RFP process below must be followed.</p>
More than \$100,000.	Must be procured pursuant to a written “Request For Proposals” (RFP). Must be Advertised.	No minimum number of written proposals is required.

TPA RESIDENT ASSOCIATION RECOMMENDED CONTRACT SOLICITATION PROCESS

<p>1. Draft the Scope of Work (SOW) or description of the service needed.</p>
<p>2. Conduct an independent cost estimate prior to requesting bids or proposals to determine the reasonableness of the proposed contract price.</p>
<p>3. Draft the relevant evaluation criteria by which vendor’s qualifications will be judged.</p>
<p>4. Solicit/contact vendor(s) directly* for the services. See chart above for number of bids needed based on the estimated cost of the services. (NOTE: If RA wants NYCHA to advertise the solicitation in the City Record or a trade publication, a TPA application with an outline of proposed program and estimated cost must be submitted at this point and steps 5-7 will follow approval of the application and the submission of proposals.)</p> <p>*Note: except in cases where NYCHA publicly advertises</p>
<p>5. Form an Evaluation Committee to evaluate proposals.</p>
<p>6. Evaluate the vendor’s proposal in light of evaluation criteria set forth within the solicitation document if selection is for other than lowest price.</p>
<p>7. Interview the prospective vendor, check the references provided, and make recommendation to award or not award.</p>
<p>8. Complete an application for TPA funds for submission. NYCHA’s award to vendor will follow NYCHA review and approval of the TPA Application and the solicitation.</p>

CONSULTANT SERVICES

Establishing a Consultant as a Vendor in NYCHA's Oracle System

No consultant can begin work, and will not be paid for any work, on a TPA project without a fully executed agreement with NYCHA. NYCHA will not enter into an agreement with a consultant prior to the completion and final approval of the relevant application for TPA funds approving such services and the specified consultant.

Once approved, in order for payment requests to be processed, a consultant must be an established vendor in NYCHA's Oracle System. A consultant becomes an established vendor when his/her W-9 Form (attached) is entered into the Oracle System. All W-9 Forms should be collected by the Resident Association and forwarded to the TPA Coordinator as part of the application process.

If the vendor's information changes, the Resident Association must submit an updated W-9 form to the TPA Coordinator to enter the change(s) into the Oracle System. Vendors who wish to be paid by direct deposit, must complete portions of the AP Supplier Maintenance Request Form (attached) and submit it to the TPA Coordinator for processing with Accounts Payable.

Please Note: NYCHA is required to file "Form 1099 – Miscellaneous Income" each calendar year with the Internal Revenue Service for any individual whose total payments are equal to or exceed \$600. Consultants should be informed of this by the Resident Association's President prior to rendering services.

Consultant Agreement

Once proposals are approved for consultant services, a Consultant's **Agreement for Services** (similar in form to the attached) must be prepared and signed by the consultant and NYCHA; or by the Consultant, NYCHA and the Resident Association's President, District Council Chair, or CCOP Chair. NYCHA will process all fully executed consultant agreements and will keep copies of the agreement on file as well as sending a copy to the applicant RA. Upon receipt, agreements will be entered into the Oracle System as binding contracts.

Payment for Consultant Services

Advance Payments: Advance payments **cannot** be made for consultant services. Payments can only be made for services that have been rendered. Resident Associations must submit receipts for the payment no later than two weeks after the event or completion of services.

Process for Requesting Payment: In order to receive payment, consultants must submit the following documents to the Resident Association, which should be signed by the authorizing person (e.g., Resident Association's President, District Council Chair or CCOP Chair, or their representative):

- Detailed timesheet (attached), indicating number of hours worked;
- An invoice specifying the services(s) rendered (attached);
- Participant attendance sheets indicating name and address; and
- An expenditure report, which includes a list of expenses and associated original receipts (attached).

Upon receipt, the Resident Association's President will review and, if approved, forward the aforementioned documents to the TPA Coordinator for processing.

INSURANCE

NYCHA must review and approve vendor insurance for proposed Tenant Participation Activities.

Consultants: Since NYCHA is a party to the Consultant Agreement and pays Consultants directly for their services, the Consultant Agreement requires that the Consultant provide proof of insurance in accordance with the insurance requirements set forth by NYCHA. Purchase of insurance protects the Consultant's personnel and assets from loss. Consultants must show proof of requisite liability insurance purchased at their own expense prior to execution of a Consultant Agreement between the Consultant and NYCHA.

Resident Association Sponsored Events: There may be occasions in which Resident Associations wish to sponsor events on NYCHA grounds, such as teen leadership programs that might have an outdoor athletic component in order to attract the targeted population. In these cases, the Resident Association must enter into an agreement with NYCHA regarding the use of outdoor space and must submit this agreement with the TPA application for NYCHA's review. According to the agreement, the Resident Association must purchase insurance to cover participants, including volunteers, coaches, referees, etc. in the athletic portion of the event.

The attached charts list NYCHA's insurance requirements for particular types of activities and services required by NYCHA for activities **taking place on NYCHA premises and/or events away from premises funded by NYCHA/HUD**. Below is a summary of those charts:

Typical Activity 1	Insurance Needed	Coverage Amount	Notes
Activities (not sports) targeting adults 18 and over <i>but not the frail elderly or disabled</i>	Commercial General Liability	Each occurrence \$1,000,000.	No waiver
		Products/Completed Operations: \$2,000,000	No waiver
		Personal and Advertising Injury: \$1,000,000	No waiver
		General Aggregate: \$2,000,000	No waiver
		Medical Expense: \$5,000	No waiver
	Automobile Liability	Combined Single Limit \$1,000,000. Coverage is also required for Non Owned and Hired Autos.	This coverage can be waived if Consultant is not using an automobile in the performance of the contracted program.
	Professional Liability	Each Claim: \$1,000,000 Aggregate: \$2,000,000	Professional Liability is only needed if Consultant is providing a Professional Service such as education, health care, counseling, legal or financial advice, architectural or engineering services, etc.
	Workers Compensation/ Employers Liability	New York State Statutory Limits are required. Employer's Liability Limits: \$1,000,000 each employee. \$1,000,000 each accident. \$1,000,000 Policy Limit.	Note: If Consultant has no employees, it must submit a New York State Form CE-200 Workers Compensation/ Disability Benefits exemption form for <u>Workers Compensation only</u>. See web address below.

Website for Form CE-200:

http://www.wcb.ny.gov/content/ebiz/wc_db_exemptions/requestExemptionOverview.jsp

Typical Activity 2	Insurance Needed	Coverage Amount	Notes
Activities (not sports) targeting any of the below populations: *youth under 18 *the frail elderly *disabled individuals	Commercial General Liability	Same as Typical Activity 1	Same as Typical Activity 1
	Abuse and Molestation	\$1,000,000	
	Automobile Liability	Same as Typical Activity 1	Same as Typical Activity 1
	Professional Liability	Same as Typical Activity 1	Same as Typical Activity 1
	Workers Compensation/ Employers Liability	Same as Typical Activity 1	Same as Typical Activity 1

Typical Activity 3: Insurance required of entity, including Resident Associations, sponsoring an outdoor sports activity taking place on NYCHA property. All participants, staff and volunteer workers must be covered by insurance. All **referees and coaches** must provide proof of insurance for Commercial General Liability, including Abuse and Molestation, Business Automobile Liability, and Workers Compensation (if they are employees or volunteers of an organization) at levels indicated.

Sports targeting youth 18 years and under in connection with an eligible TPA Activity	Insurance Needed	Coverage Amount	Notes
	Commercial General Liability	Same as Typical Activity 1	Same as Typical Activity 1
	Abuse and Molestation	\$1,000,000	
	Fire Damage/Damage to Rented Premises	\$300,000	
	Business Automobile Liability	\$1,000,000 combined single limit, \$5,000,000 if entity transports clients and/or participants.	Can be waived if automobiles/ transportation are not used in connection with contracted program.
	Professional Liability	Not applicable	Not applicable
	Participants Accident Coverage	\$10,000 participants medical including dental; \$10,000 accidental death and dismemberment	
	Workers Compensation/ Employers Liability	Same as Typical Activity 1	Same as Typical Activity 1

Resident Associations may require insurance for their Resident Associations depending on the organizational structure, activities and programs. Attached is the Insurance and Loss Prevention Guide for NYCHA Resident Associations and Supplemental Insurance Information. This information is being provided for convenience and general background purposes only. **NYCHA recommends that RAs review these attachments and identify and meet with an insurance and Risk Management professional regarding their insurance needs.** See Page 6 of the Insurance and Loss Prevention Guide for tips on identifying the right professional.

TPA STIPENDS

HUD regulations 24 CFR § 964.150(b)(1) & (2) state:

(1) HUD encourages HAs to provide stipends to resident council officers who serve as volunteers in their public housing developments. The amount of the stipend, up to \$200 per month per officer, shall be decided locally by the resident council and the HA. Subject to appropriations, the stipends will be funded from the resident council's portion of the operating subsidy funding for resident council expenses (\$15.00 per unit per year).

(2) Pursuant to § 913.106, stipends are not to be construed as salaries and should not be included as income for calculation of rents, and are not subject to conflict of interest requirements.

Establishing TPA Stipend Recipients:

- Up to five (5) Resident Association officers from each Resident Association are eligible to receive stipend payments **up to \$200 per month** based on a rate schedule developed by resident associations and NYCHA.
- Funds for stipends must be included in each District Council of President's budget.
- Each District Council of Presidents can make one (1) stipend payment request per month for all eligible stipend recipients according to the District Council's approved budget.

In order for NYCHA to process stipend payments the following is needed. Each eligible board member must have a completed IRS W-9 form on file with NYCHA.

Stipend Payments

Once NYCHA receives a request for stipends payments and determines (1) the document supporting participation is complete, (2) there are funds in the District Council budget, and (3) the recipient has an IRS W-9 form on file and is a vendor in NYCHA's Oracle System, NYCHA will make the stipend payment within 30 days from receipt of the request.

Please Note: Although stipend payments are not to be included as income for rent calculation per the HUD regulation cited above, stipend payments are considered income for tax purposes. NYCHA must file Internal Revenue Service Form 1099-Miscellaneous Income for any individual whose total stipend payment in a calendar year equals or exceeds \$600.

NYCHA will inform new stipend recipients that NYCHA is required to file "Form 1099-Miscellaneous Income" each calendar year for any individual whose total payments are equal to or exceed \$600.

PURCHASING OF EQUIPMENT, FURNITURE AND SUPPLIES

Tax Exemption

Since NYCHA is a tax exempt entity, any approved purchases made by NYCHA or its employees will not be charged sales tax. In situations such as Family Days, when NYCHA advances funds to the Resident Associations to make purchases, members of the Citywide Council of Presidents, District Councils, Resident Associations, and Resident Advisory Committees cannot be granted NYCHA's tax exemption status or be reimbursed for any sales tax. However, if the Resident Association is a 501(c)(3) not-for-profit organization, the Resident Association can submit its own tax exempt letter to the vendor at the time of purchase. Please note that any unauthorized use of NYCHA tax exemption certifications is a violation of law.

Placing Orders with Vendors who Accept Purchase Orders

In order for a TPA application to be considered complete, each TPA application submitted to NYCHA must have vendor quotes attached. Once an application is approved for TPA-related purchases (e.g., refreshments, equipment, furniture and/or supplies), NYCHA will create a Purchase Order (PO). An original invoice is not required to create a Purchase Order. The PO ensures that payment will be made upon satisfactory delivery of services or supplies. NYCHA purchases all materials and may select a different vendor to provide the materials requested.

Once a purchase order is issued, NYCHA will contact the vendor to provide the PO information and to schedule a delivery date. The delivery date information will be forwarded to the respective Resident Association President and management office. Upon delivery of the supplies/merchandise, the vendor should submit the original invoice, with the PO number to NYCHA's Accounts Payable Department, 90 Church Street, 6th Floor, New York, NY 10007. **(Note: the Accounts Payable Department will not process invoices without PO numbers)**. The vendor should also submit a copy of the invoice to the receiver of the supplies/merchandise upon delivery.

A member of each Resident Association must sign off on a copy of the quote or a list of delivered items and, after receipt of the items, immediately fax the documents to the TPA Coordinator. Once NYCHA confirms that items have been received, payment will be mailed directly to the vendor. Vendors who accept POs include caterers, florists, print shops, and retail stores that do not accept internet orders.

Please Note: Since the average time to disburse payment is 30 days following NYCHA approval, it is recommended that a request for payment be submitted at least 6 weeks before the payment due date.

Placing Orders to Vendors who Do Not Accept Purchase Orders

For a TPA application to be approved, the Resident Association must provide NYCHA with vendor quotes and all forms properly completed and attached. Once an application is approved for TPA-related purchases (i.e. equipment, furniture and/or supplies) the Resident Association must submit an original vendor invoice, with proper authorization, to the TPA Coordinator for processing.

The original vendor invoice will be entered into the system and processed. Once processed, the TPA Unit will contact the vendor to order the requested items. The vendor will use the PO number to hold the order at the price quoted until payment is received. Once payment is received, the vendor will contact the TPA Unit to schedule a delivery date. The processes for the delivery and receipt of goods will be the same as described in Section B. Vendors who do not accept orders with PO numbers include Best Buy, Office Max, and Staples.

Inventory of Goods Valued at \$1,000 and Over

Furniture, equipment, electronics, and appliances that are valued at \$1,000 and over will need to be inventoried. To this end, asset tags will automatically be generated.

The TPA Coordinator will ensure that all items valued at \$1,000 or more are tagged. The Resident Associations must allow access to NYCHA personnel to enter the space where the items are stored.

CONFERENCES, RETREATS, TRAVEL, AND LODGING

General Principles. NYCHA recognizes that a variety of out-of-town conferences and seminars may provide important information to support and advance the ability of residents to become effective leaders and active participants in their developments. NYCHA encourages resident leaders to consider the broad participation of residents when making decisions on a single conference or seminar -- persons who have not attended previous conferences should have priority over those who have. In order to ensure that TPA funds are used as efficiently and effectively as possible and that use of such funds can be adequately documented, planning, implementation, and reporting of such activities is especially critical. Residents assume a substantial responsibility in registering for such activities; failure to participate and/or last minute cancellations can be costly and reasons for such changes should be carefully documented. Follow-up activities – e.g., reports to residents, dissemination of materials – are critical to ensuring such expenditures have lasting impact.

A Resident Association travel application can only fund travelers from residents listed on the lease at its own development; a Resident Association cannot fund travel for residents from other developments or for consultants providing the training services. Similarly, District Council of Presidents travel applications can only fund residents, on the lease, from developments within the District submitting the application. HUD encourages the use of local training resources.

All travelers must be 18 years or older. TPA applications for leadership retreats for teens must be in connection with a leadership program and must specifically indicate the ages of participants.

Applications Involving Travel and/or Lodging for Participants

Resident Associations must submit the original, complete TPA applications for any such travel to the TPA Coordinator for processing at least 6 weeks in advance of the conference/event. The application must include:

- *Justification for Travel which addresses the following criteria from the HUD PIH Notice 2013-21 (HA):*
 - *Will residents have equal or broad access to the resource being provided? Will this expense benefit an individual or is it being made available to a larger group?*
 - *Is the proposed TP activity to take place locally? If not, is there a compelling reason for the activity to take place outside of the PHA's jurisdiction?*
 - *Are the needs of the community, such as those documented in the PHA Plan, being met by the proposed TP activity?*
- Conference Information including Agenda/Schedule;
- List of persons traveling, including first and last name;
- Developments where travelers reside;
- Resident Association board titles, if applicable;
- Birth dates of travelers (needed if travelers plan to use air transportation);
- Verification of residency of proposed travelers from the management office. This is not required if travelers are current certified Resident Association Board Members;
- Rooming List indicating which residents, if any, will share rooms;
- Hotel (name, address, phone number) where travelers wish to stay; and
- Desired mode of transportation with Date/Time/Location of departure from New York, and Date/Time of return to New York.

The TPA Coordinator will prepare a NYCHA Travel Authorization request. Once approved, NYCHA will make the arrangements specified in the request subject to the availability of airline seats and hotel rooms. The conference may also have restrictions on the number of attendees. The TPA Coordinator will notify the Resident Associations when this is done.

Please Note: Travel arrangements for resident organized conferences and retreats via chartered buses are excluded from this process and are purchased per the procurement process described above.

Payment for Eligible Costs, Including Meals During Travel that are Not Covered by a Conference Package

Reimbursement for meals is only permitted when the traveler engages in out-of-town travel. Travelers are allowed a per diem and meal receipts are not required to be submitted. The maximum daily meal reimbursement, which includes taxes and tips, is in accordance with the rates posted at the U.S. General Service Administration (GSA) web site: www.gsa.gov/perdiem. Federal meal allowances for destinations within the continental United States vary according to the travel destination. During travel days, participants are entitled to only 75% of the per diem reimbursement rate. Travelers may be reimbursed for the cost of public transportation or the reasonable cost of taxis to and from airports and railroad stations except in those cases where NYCHA has made arrangements for ground transportation. Gratuities for taxis are reimbursed up to 15% of the total amount charged and must be indicated on the receipt. The cost of taxis to and from restaurants and non-business events is not reimbursable.

If NYCHA has chartered a bus and the pick-up location is within the traveler's District, the traveler is responsible for getting to and from the pick-up location. This cost is not reimbursable.

Miscellaneous expenditures such as airline baggage fees are also reimbursable upon submission of receipts.

Each traveler requesting reimbursement for travel related expenses including the per diem for meals mentioned above, must submit a signed original of the Travel Reimbursement Form (attached) within 30 days following completion of travel. Forms submitted after 30 days will be rejected. The Travel Reimbursement Form should list per diem costs (no receipts required); original receipts must be attached for any reimbursement requested for other eligible travel related costs. (Note: The traveler's social security number and mailing address must be written on the form or otherwise provided to the TPA Coordinator in order for the payment to be processed.)

Travelers may be required to provide a personal credit card upon registration with the hotel for incidental expenses. Under no circumstances will NYCHA cover incidental costs. NYCHA can request that the hotel block incidental costs, but the hotel alone determines its policy towards incidentals.

If the conference/event ends before noon, and the traveler prefers to stay an extra night, TPA funds cannot be used and the individual must pay for the extra night. Likewise, if the first session of the meeting starts after 12:00 p.m. and there is ample transit available that morning, then TPA funds cannot be used to pay the hotel costs for the prior evening.

The per diem does not apply if a retreat or conference provides all meals and transportation is by chartered bus, such as in conferences or retreats organized by Resident Associations.

If the attendee is receiving an honorarium, per-diem, or stipend that covers travel related expenses (transportation, meals and lodging), then these travel related expenses cannot be submitted for payment or reimbursement out of TPA funds. If an attendee seeks payment or reimbursement from TPA funds for the portion of his or her travel related expenses not covered by the honorarium, per-diem, or stipend, then any such request must be accompanied by a copy of any correspondence or documents from the sponsoring organization of the event (or the entity providing the honorarium, per-diem, or stipend) indicating the amount of the travel related expenses so covered.

In the absence of a specific travel guidelines or requirements in this document, NYCHA will be guided by its standard procedure on Allowances for Travel and Related Expenses.

Resident Association Organized Leadership Retreats

Out-of-town Leadership Retreats at which residents receive leadership and organizational training are an eligible TPA expense. However, the Resident Association must balance the cost of providing this training at an offsite location vs. the benefits, since the majority of retreat costs are for hotel, meals and travel. NYCHA will use the hotel per diem rates at the U.S. General Service Administration (GSA) web site: www.gsa.gov/perdiem to evaluate the reasonable costs of room and board.

Resident Associations must submit the original, complete TPA applications for any such travel to the TPA Coordinator for processing at least 6 weeks in advance of the leadership retreat.

The application must include:

- Justification for Travel which addresses the following criteria from the HUD PIH Notice 2013-21 (HA):
 - Will residents have equal or broad access to the resource being provided? Will this expense benefit an individual or is it being made available to a larger group?
 - Is the proposed TP activity to take place locally? If not, is there a compelling reason for the activity to take place outside of the PHA's jurisdiction?
 - Are the needs of the community, such as those documented in the PHA Plan, being met by the proposed TP activity?
- Consultant Proposal, including:
 - Retreat Agenda/Schedule
 - Summary of workshops
 - Consultant Fee (See note below – three (3) quotes are needed in application if fee is greater than \$5,000.)
- List of persons traveling, including:
 - First and last name
 - Developments where travelers reside
 - Resident Association board titles, if applicable
 - Verification of residency of proposed travelers from the management office. This is not required if travelers are current certified Resident Association Board Members.
- Preliminary hotel quote, indicating price per person based on single and double occupancy.
- Preliminary charter bus quote (Three (3) quotes are needed in application if fee is greater than \$5,000.)

Please Note: A Resident Association cannot pay directly for the cost of hotel, meals, and transportation for any consultant or volunteer. Consultants must include costs for hotel, meals and transportation in their proposal to the Resident Association and must pay these charges directly. NYCHA will only pay hotels and buses directly for costs associated with eligible resident participants.

SETTING UP OFFICE AND PROGRAM SPACE

Assessing Office and Program Space

Prior to submitting applications that involve outfitting a Resident Association room or program space, NYCHA may require its staff to assess the space for security, suitability and, if applicable, compliance with New York City Department of Health and Mental Hygiene regulations.

If the space is deemed appropriate, items requested to outfit it can be ordered through the TPA Application process. However, if the existing systems are not adequate to support programming and/or equipment, NYCHA will make recommendations on how to make the space suitable; NYCHA will work with the Resident Association to identify sources of funding for capital improvements. ***(Important: TPA funds may not be used for capital improvements).***

Securing Equipment, Furniture, and Supplies

It is the responsibility of Resident Associations to secure materials purchased via TPA funding. All materials purchased with TPA funds for Resident Association use must remain in the Resident Association space and must be used for Resident Association business only. TPA purchased materials shall not be used for personal use.

Installation and Maintenance of Service, Equipment, and Furniture

Resident Associations are responsible for the installation and maintenance of all furniture and equipment (e.g., televisions, telephone, faxes, computers, printers, copying machines, etc.) purchased with TPA funding, as well as any costs associated with these purchases. NYCHA, since it will be paying the invoices directly, will coordinate, with the provider and the Resident Association, installation of telephone, internet, and cable television services for the Resident Association Office. At the Resident Association's request, the TPA Coordinator will request that NYCHA technical staff, if available, assist with the installation of computers and related equipment. NYCHA will not be responsible for any costs or charges (e.g., monthly service charge, pay-per-service, maintenance fees, etc.) associated with service or equipment purchased via TPA funding. All these costs should be included in the TPA Application budget.

In addition, NYCHA will not be able to install, repair, and/or troubleshoot equipment purchased with TPA funding; therefore, it is advised that installation, extended warranties, and service plans be purchased with equipment. It is also recommended that a DSL Internet connection be used for sites with telephone service for easier maintenance. NYCHA will also not be able to install furniture, so installation of furniture should also be purchased. Although NYCHA will not oversee the installation of services and/or furniture and equipment, the local Management Office should be notified in advance, by the authorizing person, when vendors will be onsite for installation or maintenance purposes.

Please Note: NYCHA must be consulted before any physical alterations are made to any space.

PROGRAMS TAKING PLACE AT NYCHA COMMUNITY CENTERS

Prior to the implementation of a TPA-related program run from a NYCHA Community Center, the Resident Associations and the proposed consultant (if known) who will provide the service must consult with the Center's Director to finalize scheduling and usage of the space. A letter or e-mail from NYCHA indicating that NYCHA supports the proposed program must be included in the TPA application.

Please Note: NYCHA must be consulted before any physical alterations are made to program space.

FAMILY DAYS

Family Days may be an eligible Tenant Participation Activity if the event is structured to offer community empowerment activities, social services resources, information on community-based organizations, health services, and potential employment and training opportunities.

Each year NYCHA will conduct Family Day Orientations to discuss the rules and regulations of Family Day, the amount of TPA funds allowed, and to distribute the Family Day Agreement and the TPA Family Day Application. All Resident Associations must attend the Orientation and sign a Family Day Agreement in order to be eligible to conduct a Family Day. If there were past safety and security issues with a Family Day, NYCHA, in consultation with the NYPD, may impose restrictions or disapprove a Family Day request. Resident Associations wishing to use TPA funds for its Family Days, per the limits established by NYCHA, must submit a TPA Family Day Application. The application will not be approved if a Resident Association has outstanding balances for previous Family Days or owes other funds to NYCHA.

If a Resident Association has attended a Family Day Orientation, has no outstanding Family Day or other balances, has signed the Family Day Agreement, and has submitted a complete TPA Family Day Application that has been reviewed and approved by NYCHA, NYCHA will make a payment as indicated in the TPA Family Day Application to either the Resident Association or the President of the Resident Association for the amount approved. Following the Family Day, the Resident Association must submit receipts to cover the amount advanced within 30 days following the Family Day. NYCHA recommends that RAs review, "Tips for Submitting TPA Family Day Receipts," which is included as an attachment, prior to making Family Day purchases and in preparation for submitting receipts.

NYCHA will endeavor to provide a statement to the RA indicating the Family Day receipts balance owed, if any, within 30 days of receiving Family Day receipts and/or reimbursement payment from an RA.

NYCHA will not approve TPA applications for Resident Associations if the Resident Association has any outstanding Family Day receipt balances.

NYCHA strongly encourages Resident Associations to supplement TPA Family Day funding with other sources of funding.

EXAMPLES OF ALLOWABLE TPA FAMILY DAY EXPENDITURES:

- Reasonable refreshment costs;
- Sound and street closure permits;
- Information tables and consultants to provide the following types of programs/ initiatives and/or activities:
 - Health Care, Senior Health, Anti-Obesity
 - College Fairs
 - Back to School and/or Stay in School Programs
 - Youth and Senior Programs
 - Activities to increase RA membership
 - Garden and Greening
 - Job Readiness
 - Anti-Violence, Anti-Gang Programs
 - Parenting Skills
 - Resident surveys to collect resident input
 - Resident Green Committee
 - Voter Registration
- Equipment/Supplies to support eligible initiatives, such as:
 - School supplies (i.e., low cost items such as pens and notebooks);
 - T-shirts;
 - Banners;
 - Small plaques to honor volunteers.

UNALLOWABLE TPA FAMILY DAY EXPENDITURES

- Purchase of alcoholic beverages.
- Entertainment, such as carnival activities, music, DJs. and items that support entertainment such as stages, chairs, tables, portable bathroom rentals, etc.
- Organized fund raising costs, including financial campaigns, solicitation of gifts and bequests, and similar expenses incurred to raise capital or obtain contributions, regardless of the purpose for which the funds will be used.

ADDENDA

PAGE

- A-1** ATTACHMENT A-Residency Verification Agreement
- A-2** ATTACHMENT B-TPA Attendance Sheet
- A-3** ATTACHMENT C-964 Regulations Subparts B & C
- A-24** ATTACHMENT D-Notice PIH 2013-21 (HA)
- A-29** ATTACHMENT E-TPA Funding Application
- A-32** ATTACHMENT F-Application for Temporary Use of Community/Senior Center Exterior/Interior Space
- A-33** ATTACHMENT G-TPA Funding Application Checklists
- A-38** ATTACHMENT H-Form for RA to Evaluate Consultant
- A-39** ATTACHMENT I-W9 Form
- A-43** ATTACHMENT J-Supplier Maintenance Form
- A-44** ATTACHMENT K- Sample Agreement
- A-47** ATTACHMENT L-Consultant Timesheet
- A-48** ATTACHMENT M-Consultant Invoice
- A-49** ATTACHMENT N-Consultant Itemized Expenditures
- A-50** ATTACHMENT O-Comm. Ops-Human Services-LowRisk-Code03-as of 04-22-10 (5) (2)
- A-52** ATTACHMENT P-Sporting Events-Rec-Ed no Prof. Liability Code04-as of 04-22-10 (4) (2)
- A-53** ATTACHMENT Q-Standard + Professional-Code02-as of 04-22-10 (3) (2) (2)
- A-54** ATTACHMENT R-Insurance and Loss Prevention Guide for RAs 8-29-12
- A-60** ATTACHMENT S-Supplemental Insurance Information as of 8-29-2012
- A-65** ATTACHMENT T-Travel Reimbursement Form
- A-66** ATTACHMENT U-Tips for Submitting TPA Family Day Receipts

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24 CFR 964.100

§ 964.100 Role of resident council.

The role of a resident council is to improve the quality of life and resident satisfaction and participate in self-help initiatives to enable residents to create a positive living environment for families living in public housing. Resident councils may actively participate through a working partnership with the HA to advise and assist in all aspects of public housing operations.

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24 CFR 964.105

§ 964.105 Role of the jurisdiction-wide resident council.

(a) Jurisdiction-wide resident council. Resident councils may come together to form an organization which can represent the interest of residents residing in units under a HA's jurisdiction. This can be accomplished by the presidents of duly elected resident councils forming an organization, by resident councils electing a representative to the organization, or through jurisdiction-wide elections. If duly elected resident councils form such an organization, the HA shall recognize it as the voice of authority-wide residents for input into housing authority policy making.

(b) Function. The jurisdiction-wide council may advise the Board of Commissioners and executive director in all areas of HA operations, including but not limited to occupancy, general management, maintenance, security, resident training, resident employment, social services and modernization priorities.

(c) Cooperation with other groups. There shall be regularly scheduled meetings between the HA and the local duly elected resident council, and the jurisdiction-wide resident council to discuss problems, plan activities and review progress.

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24 CFR 964.115

§ 964.115 Resident council requirements.

A resident council shall consist of persons residing in public housing and must meet each of the following requirements in order to receive official recognition from the HA/HUD, and be eligible to receive funds for resident council activities, and stipends for officers for their related costs for volunteer work in public housing:

(a) It may represent residents residing:

- (1) In scattered site buildings;
- (2) In areas of contiguous row houses; or
- (3) In one or more contiguous buildings;
- (4) In a development; or
- (5) In a combination of these buildings or developments;

(b) It must adopt written procedures such as by-laws, or a constitution which provides for the election of residents to the governing board by the voting membership of the residents residing in public housing, described in paragraph (b) of this section, on a regular basis but at least once every three (3) years. The written procedures must provide for the recall of the resident board by the voting membership. These provisions shall allow for a petition or other expression of the voting membership's desire for a recall election, and set the number of percentage of voting membership ("threshold") who must be in agreement in order to hold a recall election. This threshold shall not be less than 10 percent of the voting membership.

(c) It must have a democratically elected governing board that is elected by the voting membership. At a minimum, the governing board should consist of five (5) elected board members.

The voting membership must consist of heads of households (any age) and other residents at least 18 years of age or older and whose name appears on a lease for the unit in the public housing that the resident council represents.

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24 CFR 964.117

§ 964.117 Resident council partnerships.

A resident council may form partnerships with outside organizations, provided that such relationships are complementary to the resident council in its duty to represent the residents, and provided that such outside organizations do not become the governing entity of the resident council.

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24 CFR 964.120

§ 964.120 Resident management corporation requirements.

A resident management corporation must consist of residents residing in public housing and have each of the following characteristics in order to receive official recognition by the HA and HUD:

- (a) It shall be a non-profit organization that is validly incorporated under the laws of the State in which it is located;
- (b) It may be established by more than one resident council, so long as each such council:
 - (1) Approves the establishment of the corporation; and
 - (2) Has representation on the Board of Directors of the corporation;
- (c) It shall have an elected Board of Directors, and elections must be held at least once every three (3) years;
- (d) Its by-laws shall require the Board of Directors to include resident representatives of each resident council involved in establishing the corporation; include qualifications to run for office, frequency of elections, procedures for recall, and term limits if desired.
- (e) Its voting members shall be heads of households (any age) and other residents at least 18 years of age and whose name appears on the lease of a unit in the public housing represented by the resident management corporation;
- (f) Where a resident council already exists for the development, or a portion of the development, the resident management corporation shall be approved by the resident council board and a majority of the residents. If there is no resident council, a majority of the residents of the public housing development it will represent must approve the establishment of such a corporation for the purposes of managing the project; and
- (g) It may serve as both the resident management corporation and the resident council, so long as the corporation meets the requirements of this part for a resident council.

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24 CFR 964.125

§ 964.125 Eligibility for resident council membership.

(a) Any member of a public housing household whose name is on the lease of a unit in the public housing development and meets the requirements of the by-laws is eligible to be a member of a resident council. The resident council may establish additional criteria that are non-discriminatory and do not infringe on rights of other residents in the development. Such criteria must be stated in the by-laws or constitution as appropriate.

(b) The right to vote for resident council board shall be limited to designated heads of households (any age) and other members of the household who are 18 years or older whose name appears on the lease of a unit in the public housing development represented by the resident council.

(c) Any qualified voting member of a resident council who meets the requirements described in the by-laws and is in compliance with the lease may seek office and serve on the resident council governing board.

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24 CFR 964.130

§ 964.130 Election procedures and standards.

At a minimum, a resident council may use local election boards/commissions. The resident council shall use an independent third-party to oversee elections and recall procedures.

(a) Resident councils shall adhere to the following minimum standards regarding election procedures:

(1) All procedures must assure fair and frequent elections of resident council members -- at least once every three years for each member.

(2) Staggered terms for resident council governing board members and term limits shall be discretionary with the resident council.

(3) Each resident council shall adopt and issue election and recall procedures in their by-laws.

(4) The election procedures shall include qualifications to run for office, frequency of elections, procedures for recall, and term limits if desired.

(5) All voting members of the resident community must be given sufficient notice (at least 30 days) for nomination and election. The notice should include a description of election procedures, eligibility requirements, and dates of nominations and elections.

(b) If a resident council fails to satisfy HUD minimum standards for fair and frequent elections, or fails to follow its own election procedures as adopted, HUD shall require the HA to withdraw recognition of the resident council and to withhold resident services funds as well as funds provided in conjunction with services rendered for resident participation in public housing.

(c) HAs shall monitor the resident council election process and shall establish a procedure to appeal any adverse decision relating to failure to satisfy HUD minimum standards. Such appeal shall be submitted to a jointly selected third-party arbitrator at the local level. If costs are incurred by using a third-party arbitrator, then such costs should be paid from the HAs resident services funds pursuant to § 964.150.

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24 CFR 964.135

§ 964.135 Resident involvement in HA management operations.

Residents shall be involved and participate in the overall policy development and direction of Public Housing operations.

(a) Resident management corporations (RMCs) may contract with HAs to perform one or more management functions provided the resident entity has received sufficient training and/or has staff with the necessary expertise to perform the management functions and provided the RMC meets bonding and licensing requirements.

(b) Residents shall be actively involved in a HA's decision-making process and give advice on matters such as modernization, security, maintenance, resident screening and selection, and recreation.

(c) While a HA has responsibility for management operations, it shall ensure strong resident participation in all issues and facets of its operations through the duly elected resident councils at public housing developments, and with jurisdiction-wide resident councils.

(d) A HA shall work in partnership with the duly elected resident councils.

(e) HAs, upon request from the duly elected resident council, shall ensure that the duly elected resident council officers as defined in subpart B of this part, and other residents in the development are fully trained and involved in developing and implementing Federal programs including but not limited to Comprehensive Improvement Assistance Program (CIAP), Comprehensive Grant Program, Urban Revitalization Demonstration, Drug Elimination, and FIC.

(f) HAs shall involve resident council officers and other interested residents at the development through education and direct participation in all phases of the budgetary process.

(g) Resident council officers shall be encouraged to become involved in the resident screening and selection process for prospective residents at the development. Those selected to perform resident screening and selection functions must be trained by the HA in resident screening and selection and must sign a legal document committing to confidentiality.

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24 CFR 964.140

§ 964.140 Resident training.

(a) Resident training opportunities. HUD encourages a partnership between the residents, the HA and HUD, as well as with the public and non-profit sectors to provide training opportunities for public housing residents. The categories in which training could occur include, but are not limited to:

- (1) Community organization and leadership training;
- (2) Organizational development training for Resident Management Corporations and duly elected Resident Councils;
- (3) Public housing policies, programs, rights and responsibilities training; and
- (4) Business entrepreneurial training, planning and job skills.

(b) Local training resources. HUD encourages the use of local training resources to ensure the ongoing accessibility and availability of persons to provide training and technical assistance. Possible training resources may include:

- (1) Resident organizations;
- (2) Housing authorities;
- (3) Local community colleges, vocational schools; and
- (4) HUD and other Federal agencies and other local public, private and non-profit organizations.

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24 CFR 964.145

§ 964.145 Conflict of interest.

Resident council officers can not serve as contractors or employees if they are in policy making or supervisory positions at the HA.

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24 CFR 964.150

§ 964.150 Funding tenant participation.

(a) Funding duly elected resident councils and jurisdiction wide resident councils. (1) The HA shall provide funds it receives for this purpose to the duly elected resident council at each development and/or those jurisdiction-wide councils eligible to receive the resident portion of the tenant services account to use for resident participation activities. This shall be an addition to the Performance Funding System (PFS), as provided by 24 CFR part 990, to permit HAs to fund \$ 25 per unit per year for units represented by duly elected resident councils for resident services, subject to the availability of appropriations. Of this amount, \$ 15 per unit per year would be provided to fund tenant participation activities under subpart B of this part for duly elected resident councils and/or jurisdiction-wide councils and \$ 10 per unit per year would be used by the HA to pay for costs incurred in carrying out tenant participation activities under subpart B of this part, including the expenses for conducting elections, recalls or arbitration required under § 964.130 in subpart B. This will guarantee the resources necessary to create a bona fide partnership among the duly elected resident councils, the HA and HUD. Where both local and jurisdiction-wide councils exist, the distribution will be agreed upon by the HA and the respective councils.

(2) If funds are available through appropriations, the HA must provide tenant services funding to the duly elected resident councils regardless of the HA's financial status. The resident council funds shall not be impacted or restricted by the HA financial status and all said funds must be used for the purpose set forth in subparts B and C of this part.

(3) The HA and the duly elected resident council at each development and/or those jurisdiction-wide councils shall collaborate on how the funds will be distributed for tenant participation activities. If disputes regarding funding decisions arise between the parties, the matter shall be referred to the Field Office for intervention. HUD Field Office shall require the parties to undertake further negotiations to resolve the dispute. If no resolution is achieved within 90 days from the date of the Field Office intervention, the Field Office shall refer the matter to HUD Headquarters for final resolution.

(b) Stipends. (1) HUD encourages HAs to provide stipends to resident council officers who serve as volunteers in their public housing developments. The amount of the stipend, up to \$ 200 per month/per officer, shall be decided locally by the resident council and the HA. Subject to appropriations, the stipends will be funded from the resident council's portion of the operating subsidy funding for resident council expenses (\$ 15.00 per unit per year).

(2) Pursuant to § 913.106, stipends are not to be construed as salaries and should not be included as income for calculation of rents, and are not subject to conflict of interest requirements.

(3) Funding provided by a HA to a duly elected resident council may be made only under a written agreement between the HA and a resident council, which includes a resident council budget and assurance that all resident council expenditures will not contravene provisions of law and will promote serviceability, efficiency, economy and stability in the operation of the local development. The agreement must require the local resident council to account to the HA for the use of the funds and permit the HA to inspect and audit the resident council's financial records related to the agreement.

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24 CFR 964.200

§ 964.200 General.

(a) The Tenant Opportunities Program (TOP) provides technical assistance for various activities, including but not limited to resident management, for resident councils/resident management corporations as authorized by Section 20 of the U.S. Housing Act of 1937. The TOP provides opportunities for resident organizations to improve living conditions and resident satisfaction in public housing communities.

(b) This subpart establishes the policies, procedures and requirements for participating in the TOP with respect to applications for funding for programs identified in this subpart.

(c) This subpart contains the policies, procedures and requirements for the resident management program as authorized by section 20 of the U.S. Housing Act of 1937.

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24 CFR 964.205

§ 964.205 Eligibility.

(a) Resident councils/resident management corporations. Any eligible resident council/resident management corporation as defined in subpart B of this part is eligible to participate in a program administered under this subpart.

(b) Activities. Activities to be funded and carried out by an eligible resident council or resident management corporation, as defined in subpart B of this part, must improve the living conditions and public housing operations and may include any combination of, but are not limited to, the following:

(1) Resident capacity building. (i) Training Board members in community organizing, Board development, and leadership training;

(ii) Determining the feasibility of resident management enablement for a specific project or projects; and

(iii) Assisting in the actual creation of an RMC, such as consulting and legal assistance to incorporate, preparing by-laws and drafting a corporate charter.

(2) Resident management. (i) Training residents, as potential employees of an RMC, in skills directly related to the operation, management, maintenance and financial systems of a project;

(ii) Training of residents with respect to fair housing requirements; and

(iii) Gaining assistance in negotiating management contracts, and designing a long-range planning system.

(3) Resident management business development. (i) Training related to resident-owned business development and technical assistance for job training and placement in RMC developments;

(ii) Technical assistance and training in resident managed business development through:

(A) Feasibility and market studies;

(B) Development of business plans;

(C) Outreach activities; and

(D) Innovative financing methods including revolving loan funds; and

(iii) Legal advice in establishing a resident managed business entity.

(4) Social support needs (such as self-sufficiency and youth initiatives). (i) Feasibility studies to determine training and social services needs;

(ii) Training in management-related trade skills, computer skills, etc;

(iii) Management-related employment training and counseling;

(iv) Coordination of support services;

(v) Training for programs such as child care, early childhood development, parent involvement, volunteer services, parenting skills, before and after school programs;

(vi) Training programs on health, nutrition and safety;

(vii) Workshops for youth services, child abuse and neglect prevention, tutorial services, in partnership with community-based organizations such as local Boys and Girls Clubs, YMCA/YWCA, Boy/Girl Scouts, Campfire and Big Brother/Big Sisters, etc. Other HUD programs such as the Youth Sports Program and the Public Housing Drug Elimination Programs also provide funding in these areas;

(viii) Training in the development of strategies to successfully implement a youth program. For example, assessing the needs and problems of the youth, improving youth initiatives that are currently active, and training youth, housing authority staff, resident management corporations and resident councils on youth initiatives and program activities; and

(5) Homeownership Opportunity. Determining feasibility for homeownership by residents, including assessing the feasibility of other housing (including HUD owned or held single or multi-family) affordable for purchase by residents.

(6) General. (i) Required training on HUD regulations and policies governing the operation of low-income public housing including contracting/procurement regulations, financial management, capacity building to develop the necessary skills to assume management responsibilities at the project and property management;

(ii) Purchasing hardware, i.e., computers and software, office furnishings and supplies, in connection with business development. Every effort must be made to acquire donated or discounted hardware;

(iii) Training in accessing other funding sources; and

(iv) Hiring trainers or other experts (RCs/RMCs must ensure that this training is provided by a qualified housing management specialist, a community organizer, the HA, or other sources knowledgeable about the program).

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24 CFR 964.210

§ 964.210 Notice of funding availability.

A Notice of Funding Availability shall be published periodically in the Federal Register containing the amounts of funds available, funding criteria, where to obtain and submit applications, and the deadline for submissions.

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24 CFR 964.215

§ 964.215 Grant agreement.

(a) General. HUD shall enter into a grant agreement with the recipient of a technical assistance grant which defines the legal framework for the relationship between HUD and a resident council or resident management corporation for the proposed funding.

(b) Term of grant agreement. A grant shall be for a term of three to five years (3-5 years), and renewable at the expiration of the term.

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24 CFR 964.220

§ 964.220 Technical assistance.

(a) Financial assistance. HUD will provide financial assistance, to the extent available, to resident councils or resident management corporations for technical assistance and training to further the activities under this subpart.

(b) Requirements for a management specialist. If a resident council or resident management corporation seeks to manage a development, it must select, in consultation with the HA, a qualified housing management specialist to assist in determining the feasibility of, and to help establish, a resident management corporation and to provide training and other duties in connection with the daily operations of the project.

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24 CFR 964.225

§ 964.225 Resident management requirements.

The following requirements apply when a HA and its residents are interested in providing for resident performance of several management functions in one or more projects.

(a) Resident management corporation responsibilities. Resident councils interested in contracting with a HA must establish a resident management corporation that meets the requirements for such a corporation, as specified in subpart B. The RMC and its employees must demonstrate their ability and skill to perform in the particular areas of management pursuant to the management contract.

(b) HA responsibilities. HAs shall give full and serious consideration to resident management corporations seeking to enter into a management contract with the HA. A HA shall enter into good-faith negotiations with a corporation seeking to contract to provide management services.

(c) Duty to bargain in good faith. If a HA refuses to negotiate with a resident management corporation in good faith or, after negotiations, refuses to enter into a contract, the corporation may file an informal appeal with HUD, setting out the circumstances and providing copies of relevant materials evidencing the corporation's efforts to negotiate a contract. HUD shall require the HA to respond with a report stating the HA's reasons for rejecting the corporation's contract offer or for refusing to negotiate. Thereafter, HUD shall require the parties (with or without direct HUD participation) to undertake or to resume negotiations on a contract providing for resident management, and shall take such other actions as are necessary to resolve the conflicts between the parties. If no resolution is achieved within 90 days from the date HUD required the parties to undertake or resume such negotiations, HUD shall serve notice on both parties that administrative remedies have been exhausted (except that, pursuant to mutual agreement of the parties, the time for negotiations may be extended by no more than an additional 30 days).

(d) Management contract. A management contract between the HA and a resident management corporation is required for property management. The HA and the resident management corporation may agree to the performance by the corporation of any or all management functions for which the HA is responsible to HUD under the ACC and any other functions not inconsistent with the ACC and applicable state and local laws, regulations and licensing requirements.

(e) Procurement requirements. The management contract shall be treated as a contracting out of services, and must be subject to any provision of a collective bargaining agreement regarding the contracting out of services to which the HA is subject. Provisions on competitive bidding and requirements of prior written HUD approval of contracts contained in the ACC do not apply to the decision of a HA to contract with a RMC.

(f) Rights of families; operation of project. If a resident management corporation is approved by the tenant organization representing one or more buildings or an area of row houses that are part of a public housing project for purposes of part 941 of this chapter, the resident management program may not, as determined by the HA, interfere with the rights of other residents of such project or harm the efficient operation of such project.

(g) Comprehensive improvement assistance with RMCs. (1) The HA may enter into a contract with the RMC to provide comprehensive improvement assistance under part 968 of this chapter to modernize a project managed by the RMC.

(2) The HA shall not retain, for any administrative or other reason, any portion of the comprehensive improvement assistance provided, unless the PHA and the RMC provide otherwise by contract.

(3) In assessing the modernization needs of its projects under 24 CFR part 968, or other grant mechanisms established by the Housing and Community Development Act of 1987, the HAs must consult with the tenant management corporation regarding any project managed by the corporation, in order to determine the modernization needs and preferences of resident-managed projects. Evidence of this required consultation must be included with a HA's initial submission to HUD.

(h) Direct provision of operating and capital assistance to RMC. (1) Direct provision of assistance to RMC. The ACC shall provide for the direct provision of operating and capital assistance by HUD to an RMC if:

(i) The RMC petitions HUD for the release of funds;

(ii) The contract provides for the RMC to assume the primary management responsibilities of the PHA;

(iii) The RMC has been designated as at least a "standard performer" under the Public Housing Assessment System (PHAS) (see 24 CFR part 902); and

(iv) The RMC is not in violation of any financial, accounting, procurement, civil rights, fair housing or other program requirements that HUD determines call into question the capability of the RMC to effectively discharge its responsibilities under the contract.

(2) Use of assistance. Any direct capital or operating assistance provided to the RMC must be used for purposes of performing eligible activities with respect to public housing as may be provided under the contract.

(3) Responsibilities of PHA. If HUD provides direct funding to a RMC under paragraph (h)(1) of this section, the PHA is not responsible for the actions of the RMC.

(i) Prohibited activities. A HA may not contract for assumption by the resident management corporation of the HA's underlying responsibilities to HUD under the ACC.

(j) Bonding, insurance, and licensing. (1) Bonding and insurance. Before assuming any management responsibility under its contract, the RMC must provide fidelity bonding and insurance, or equivalent protection that is adequate (as determined by HUD and the PHA) to protect HUD and the PHA against loss, theft, embezzlement, or fraudulent acts on the part of the RMC or its employees.

(2) Licensing and other local requirements. An RMC must be in compliance with any local licensing, or other local requirement, governing the qualifications or operations of a property manager.

(k) Waiver of HUD requirements. Upon the joint request of a resident management corporation and the HA, HUD may waive any requirement that HUD has established and that is not required by law, if HUD determines, after consultation with the resident management corporation and the HA, that the requirement unnecessarily increases the costs to the project or restricts the income of the project; and that the waiver would be consistent with the management contract and any applicable collective bargaining agreement. Any waiver granted to a resident management corporation under this section will apply as well to the HA to the extent the waiver affects the HA's remaining responsibilities relating to the resident management corporation's project.

(l) Monitoring of RMC performance. The HA must review periodically (but not less than annually) the management corporation's performance to ensure that it complies with all applicable requirements and meets agreed-upon standards of performance. (The method of review and criteria used to judge performance should be specified in the management contract.)

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24 CFR 964.230

§ 964.230 Audit and administrative requirements.

(a) TOP grant recipients. The HUD Inspector General, the Comptroller General of the United States, or any duly authorized representative shall have access to all records required to be retained by this subpart or by any agreement with HUD for the purpose of audit or other examinations.

(1) Grant recipients must comply with the requirements of OMB Circulars A-110 and A-122, as applicable.

(2) A final audit shall be required of the financial statements made pursuant to this subpart by a Certified Public Accountant (CPA), in accordance with generally accepted government audit standards. A written report of the audit must be forwarded to HUD within 60 days of issuance.

(b) Resident management corporations. Resident management corporations who have entered into a contract with a HA with respect to management of a development(s) must comply with the requirements of OMB Circulars A-110 and A-122, as applicable. Resident management corporations managing a development(s) must be audited annually by a licensed certified public accountant, designated by the corporation, in accordance with generally accepted government audit standards. A written report of each audit must be forwarded to HUD and the HA within 30 days of issuance. These requirements are in addition to any other Federal law or other requirement that would apply to the availability and audit of books and records of resident management corporations under this part.



**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Office of Public and Indian Housing**

Special Attention of: Public Housing Agencies Regional and Field Office Directors of Public Housing Regional Administrators	Notice PIH 2013- 21 (HA) Issued: August 23, 2013 Expires: Effective until amended, superseded, or rescinded Cross Reference: 24 CFR Part 964 PIH Notice 2001-3
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Subject: Guidance on the use of Tenant Participation Funds

1. Purpose. This notice serves to clarify previous guidance on the use of tenant participation (TP) funds as established by 24 C.F.R. § 964.150 and supersedes PIH Notice 2001-3.

2. Applicability. This notice applies to all public housing agencies (PHAs) operating public housing (PH) programs.

3. Background. The regulations on tenant participation funding allow for a more active resident role in determining TP funding use and a broader range of eligible activities than was previously outlined in PIH Notice 2001-3, including allowing self-sufficiency activities as eligible uses. The regulations at § 964.150(a)(2) require PHAs to provide TP funds to duly elected resident councils. The regulation also states that TP funds must be used for activities outlined in § 964 subparts B and this Notice clarifies that subpart C is also applicable in providing guidance on the use of TP funds, specifically § 964.205(b)(1)-(6). A list of eligible uses is provided in Section 7 of this Notice.

4. Tenant Participation Funds and the Roles of PHAs and Resident Councils. To correctly apply the Department’s policy on TP funds, it is important that PHAs and RCs understand their specific roles and responsibilities.

The Role of the PHA

The PHA’s role in regards to the use of TP funds is to:

- Provide TP funds to duly elected RCs as required by § 964.150(a)(2) (TP funds may be prorated due to Operating Fund proration);
- Collaborate with RCs on how funds will be distributed in accordance with § 964.150(3);
- Administer TP funds reasonably and efficiently, including establishing policies on how a RC is to make a request for TP funds and ensuring that funds are being used responsibly;

- Enter into a written agreement with a RC on the use of TP funds as described in § 964.150(b)(3);
- Ensure the RC's requested activity is consistent with the requirements under § 964, subparts B and C;
- Maintain accurate records of TP funds and expenditures and provide this information to RCs; and
- Advise RCs on the supporting documentation that may be necessary to verify and audit expenses.

PHA policies on the use of TP funds should be designed to ensure that each funding request from a RC:

- 1) Is consistent with the applicable HUD requirements and the PHA Plan;
- 2) Incorporates appropriate financial controls, including the submission of a budget, conforms with procurement rules and insurance requirements, etc.; and
- 3) Meets other administrative requirements specified in the written agreement between the PHA and the RC.

PHAs may need to provide or encourage RCs to seek technical assistance in the areas of administration, budgeting, and financial reporting to comply with PHA policy. If an RC does not have the technical capacity to comply with PHA TP fund use policy, the PHA may use TP funds to provide technical assistance and training in these areas to the RC.

If residents have not yet established a RC, the PHA should fund allowable activities for residents and may use TP funds to improve resident capacity in establishing and operating a RC.

The Role of the Resident Council

In accordance with § 964.100, the role of the resident council (RC) is to improve the quality of life and resident satisfaction and to participate in self-help initiatives that enable residents to create a positive living environment for families living in public housing.

The RC's responsibility regarding tenant participation funds includes:

- Entering into a written agreement with the PHA in order to receive the TP funds;
- Submitting a budget for the use of the TP funds;
- Providing assurances that all resident council expenditures will not violate provisions of law and will promote serviceability, efficiency, economy and stability in the operation of the local development; and
- Accounting to the PHA for the use of the funds and permit the PHA to inspect and audit the resident council's financial records related to the agreement.

RCs and their leadership play an active role in determining how the tenant participation funds will be used to improve the quality of life for public housing residents. In accordance with 24 CFR Part 964 subpart B, each RC has the ability to decide which activities they will pursue to expend TP funds as long as they:

- 1) Meet the intent of HUD's regulations;
- 2) Comply with the PHA's tenant participation funding guidelines and procurement policies; and

- 3) Are made in accordance with the written agreement with the PHA.

Under previous guidance a program providing literacy materials for children could be denied by the PHA. Under this updated guidance, this activity should be an allowable activity because it is consistent with those activities listed under § 964.205(b)(1)-(6). Additional examples of activities that would be allowable under this updated policy, and examples of unallowable activities are listed in Section 6 of this Notice. These lists are not exhaustive.

5. Tenant Participation Funds in Mixed-Income Communities. Public Housing residents in mixed-income communities are eligible to use TP funds in accordance with the requirements outlined in this Notice.

The Department recommends that the amount of TP funds used for eligible activities be in appropriate proportion to the number of public housing residents who live in the development or community. For example, if a mixed-income development is composed of half public housing residents and the resident association would like to purchase computers for a community center, the resident association could fund half of this expense with TP funds. TP funds along with other sources of funds may be used to support eligible resident participation and self-sufficiency activities benefitting all of the development's residents. This does not prohibit the ability of these associations and/or management from funding activities entirely with other sources.

PHAs serving mixed-income communities must adopt policies as outlined in Section 4 of the Notice regarding the use of TP funds in these communities.

6. Resolution of Disputes. The Department strongly encourages residents and PHA staff to resolve questions concerning specific uses of TP funds or proposals for TP funds at the PHA level. § 964.150(a)(3) states that if a dispute over funding arises:

- The issue shall be referred to the HUD Field Office for intervention.
- The Field Office will require the parties to undertake further negotiations to resolve the dispute.
- If there is no resolution after 90 days from the date of the Field Office intervention, the issue shall be referred to HUD Headquarters for final resolution.

Issues deemed unresolved by the Field Office shall be referred to the Office of Public Housing Programs office, and other program offices as appropriate, in Headquarters for resolution.

While HUD may hear disputes over uses of TP funds, the Department cannot overturn PHA policies that are consistent with relevant statutes and regulations. HUD can determine whether the PHA's policy is a permissible implementation of the applicable statutes and regulations.

7. Allowable and Unallowable Activities. The following is not a comprehensive list of allowable and unallowable activities. However, this represents a starting framework that PHAs may use in establishing their TP policies and for RCs to assess the suitability of requests for the use of TP funds.

Allowable Activities

- Those included in PIH Notice 2001-3 and those outlined in § 964.140 and 964.150:
 - Consultation and outreach efforts that support active interaction between the PHA and residents
 - Activities that inform residents on issues and/or operations that affect resident households and their living environment
 - Resident surveys and other mechanisms to collect resident input
 - Annual membership events or site-based community activities that enhance resident participation
 - Resident commissioner training, resident council (RC) training, resident advisory board (RAB) training, leadership development, household training, orientation and training for new and existing residents on resident responsibilities
 - Resident council elections and organizing
 - Planning functions for matters such as the Public Housing Agency Plan (PHA Plan), revitalization, safety and security, property management and maintenance, and capital improvements
 - Reasonable refreshment and light snack costs that are directly related to resident meetings for the activities discussed in this section
 - Stipends to resident council officers who serve as volunteers in their public housing developments
- Self-sufficiency and capacity building activities, such as those listed in § 964.205:
 - Social support needs (such as self-sufficiency and youth initiatives) including: coordination of support services; training of residents for programs such as child care, early childhood development, parent involvement, volunteer services, parenting skills, before and after school programs, and senior programs; training programs on health, nutrition and safety; child abuse and neglect prevention; tutorial services, including those in partnership with community-based organizations such as local Boys and Girls Clubs, YMCA/YWCA, Boy/Girl Scouts, Campfire and Big Brother/Big Sisters, etc.; youth education and sports programs; drug use and violence prevention programs; financial literacy and credit counseling
 - Resident management training for residents in skills directly related to the operation, management, maintenance, and financial systems of a project as potential employees of an existing or proposed resident management corporation (RMC), including training on nondiscrimination and equal opportunity requirements
 - Training related to the development of resident-owned businesses and technical assistance for job training and placement in RMC developments

Unallowable Activities

Any activity outside the scope of the PHA policy and HUD regulatory requirements behind TP funds and activities. Unallowable expenses also include any activities prohibited by laws related to fair housing and non-discrimination. In addition, the [Office of Management and Budget's \(OMB\) Circular A-87](#) prohibits the use of federal funds, including TP funds, for the following:

- Purchase of alcoholic beverages
- Entertainment, where the dedicated purpose of the event falls under the following categories:
 - Amusement (trips to theme parks, county fairs, etc.)
 - Diversions (theatre, movies, sports events, etc.)

- Social activities (parties, bowling nights, etc.)
- Any directly associated costs for the events in the categories above (tickets to shows or sports events, meals, lodging, rentals, transportation, and gratuities)
- Organized fund raising costs, including financial campaigns, solicitation of gifts and bequests, and similar expenses incurred to raise capital or obtain contributions, regardless of the purpose for which the funds will be used

Although TP funds cannot be used for the activities listed above, the Department encourages RCs and PHAs to seek additional funds or partnerships to provide activities with beneficial outcomes to public housing residents and communities.

8. Proposed Criteria for Evaluating Use of TP Funds. HUD encourages PHAs and RCs to consider the following criteria in conducting the evaluation of proposed TP fund expenditures:

- Is the proposed TP activity consistent with the written agreement between the PHA and the RC regarding TP funding?
- Is the requested activity consistent with the intent of HUD’s regulations and the PHA’s policies?
- Is the request clear? What exact activity or resource is being requested by the RC?
- Will residents have equal or broad access to the resource being provided? Will this expense benefit an individual or is it being made available to a larger group?
- Is the proposed TP activity reasonable in cost? Does the request include consideration of other more affordable alternatives? Can other vendors provide a similar resource at a lower cost? Will this expense present any conflicts of interest? Does the proposed expense abide by applicable procurement policies?
- Is the requested expense reasonable considering the PHA’s size, residents served, and the amount of TP funds available?
- Is the proposed TP activity to take place locally? If not, is there a compelling reason for the activity to take place outside of the PHA’s jurisdiction?
- Are the needs of the community, such as those documented in the PHA Plan, being met by the proposed TP activity?
- Will the RC be able to provide the appropriate receipts and invoices for auditing purposes?

In addition, HUD recommends that PHA policy on TP fund use require a written explanation for any denied requests, which should provide specific details as to why the request failed to meet established evaluation criteria.

9. Further Information. Questions regarding this memorandum may be directed to Ms. Virginia Flores at 202-402-6270 or by email at Virginia.Flores@hud.gov.

/s/

Sandra B. Henriquez
Assistant Secretary for Public and Indian
Housing

**New York City Housing Authority
Citywide Council of Presidents
Tenant Participation Activity Proposal**

- Instructions:
1. Complete one form for each consultant proposed as part of your TPA application (You may make as many copies of this form as needed.)
 2. For each activity the following must be submitted with your Proposal:
 - Provider's Resume(s)
 - Provider's written proposal, price quote and "Conflict of Interest" Certification Form(page 3)

PROPOSAL (Activity for which you are requesting TPA funds) _____

Cost of Activity \$ _____ (attach Provider's written Cost Proposal)

ACTIVITY INFORMATION

Detailed Description of Activity and Goals (If the Provider's proposal provides the information requested, you may attach a copy and write "See attached" in the space below.)

Target population(adults, children, seniors, etc.) _____

Where? (If Community Center, have you confirmed availability with the Community Center Director)

Describe specifically what activities will take place.

What do you hope to accomplish? _____

What are the proposed Start and End dates for the activity? Start Date:
mm/dd/yyyy

End Date:
mm/dd/yyyy

What is the schedule for the activity? (provide information in appropriate spaces)

times a week for _____ weeks **OR** _____ times a month for _____ months

TPA PROVIDER INFORMATION

Name of TPA Provider (Group or Individual who will be providing services) for this activity: _____ [Attach resume]

Address: _____
(Street address including apartment number, if any) (City, State and zip code)

Telephone Number:

Daytime

Evening

Cell

Provider's SSN:

OR Federal Tax ID Number

Hourly Rate: \$

Maximum Number of Hours this Provider will work:

Maximum Dollar Value budgeted for Provider: \$

(This should equal the Hourly Rate x the Maximum Number of Hours)

Are there any other Applicants using this Provider? Yes No

Does the Provider have any negative status with the NYC Dept. of Consumer Affairs? Yes No



Tenant Participation Activities
“Conflict of Interest” *
Provider’s Certification

Name of Provider: _____

Address: _____

Social Security Number or

Federal Tax ID #

I, _____, being duly authorized
(Print Name and Title)

to sign on behalf of

_____, certify that to the best of my
(Name of Consultant or Organization)

knowledge there is no Conflict of Interest*, real or potential, between the TPA Provider submitting this proposal and any residents of the Developments covered by this proposal.

Signature

Date

*A conflict of interest may exist when:

A resident of the Development where the TPA activities will take place; a member of the Resident Council, District Council or CCOP submitting the application, or their family member, partner, employer, or potential employer has a financial interest in the Provider awarded the TPA contract.

All Providers must disclose if their entity is owned by or affiliated with an elected official or the elected official’s staff and/or family members, and any relationships between the resident council members and such elected official, staff member or family member so affiliated.



Attachment F

NYCHA 088.043 (Rev. 3/06) APPLICATION FOR TEMPORARY USE OF COMMUNITY/SENIOR CENTER EXTERIOR/INTERIOR SPACE	NEW YORK CITY HOUSING AUTHORITY SPACE REQUESTED <input type="checkbox"/> COMMUNITY/SENIOR CENTER <input type="checkbox"/> EXTERIOR SPACE <input type="checkbox"/> SPONSORED COMMUNITY/SENIOR CENTER <input type="checkbox"/> INTERIOR SPACE
SECTION A	
DEVELOPMENT	DATE
NAME OF APPLICANT	PHONE NO. ()
<input type="checkbox"/> RESIDENT <input type="checkbox"/> NON-RESIDENT	RESIDENT ACCOUNT (To be completed by Management if applicable)
APPLICANT ADDRESS _____ APT. NO. _____	
DATE OF FUNCTION MO. DAY YR. DAY OF WEEK	TIME OF FUNCTION FROM _____ TO _____ (up to 5 hrs.)
ALTERNATE DATE _____	
LOCATION OF EVENT	ROOM CAPACITY # ATTENDING
TYPE OR PURPOSE OF EVENT: _____	
SPACE WILL BE USED BY: (Check one)	
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> NYCHA RESIDENT ASSOC. <input type="checkbox"/> NON RESIDENT GROUP (Name) _____ For Family Oriented Event <input type="checkbox"/> RESIDENT GROUP (Name) _____ <input type="checkbox"/> STAFF	
SECTION B-CHARGES FOR NYCHA OPERATED FACILITIES/PROPERTIES	
A. RENTAL FEE (Postal money order only made payable to NYCHA)	
B. SECURITY DEPOSIT (Postal money order only made payable to NYCHA)	
<input type="checkbox"/> EXTERIOR SPACE (Security Deposit Only) RENTAL FEE \$ _____ <input type="checkbox"/> COMMUNITY/SENIOR CENTER ADDITIONAL HOURS _____ @ \$ _____ PER HR. \$ _____ <input type="checkbox"/> RENTAL FEE & SECURITY DEPOSIT REQUIRED <input type="checkbox"/> NO RENTAL FEE OR SECURITY DEPOSIT REQUIRED TOTAL RENTAL FEE \$ _____	
SECURITY DEPOSIT \$ _____	RENTAL DEPOSIT PAID \$ _____ RECEIPT # _____ DATE _____
RECEIPT # _____ DATE _____	BALANCE PAID \$ _____ RECEIPT # _____ DATE _____
NOTE: RECEIPTS MUST BE PROVIDED TO RENTERS FOR ALL PAYMENTS MADE.	
NAME OF STAFF PERSON DESIGNATED TO SUPERVISE FUNCTION & TEL. NO. ()	NAME OF PERSON DESIGNATED TO CLEAN-UP AFTER FUNCTION
AGREEMENT	
In consideration of the approval by the New York City Housing Authority ("Authority") of the application of which this Agreement is a part, the applicant hereby agrees to be bound by the guidelines governing the Temporary Use of Community/Senior Centers and other Interior/Exterior Space, in accordance with standard procedure which is available for review at the Community/Senior Center. The applicant certifies that the space to be occupied or rented shall be used for the purposes indicated; that attendance shall not exceed the maximum capacity of the premises as posted or otherwise provided to the applicant; that the applicant shall not make any physical alterations to the space; that the applicant will exercise the utmost care in the use of space; that the applicant will insure that no equipment is removed from the premises; that the use of any electrical hook-up must be approved by the Development Superintendent; that the applicant/renter may be held financially liable for compensating the Authority for any damages that exceed the security deposit amount. Damages resulting from defacing NYCHA property, which includes, but is not limited to, damage caused by decorations (e.g. tape, thumbtacks, etc.) will result in forfeiture of the deposit and may be noted on NYCHA residents' tenancy file, if applicable. The applicant/renter is responsible for leaving the facility as found (i.e. floors must be swept; countertops, tables and other surfaces wiped clean; and any garbage removed); that the applicant will ensure that the function shall not cause a disturbance to the residents living in the vicinity of the event; and that all outdoor events shall end by 8:00 PM and indoor events by 1:00 AM. The applicant acknowledges that the Authority may cancel this Agreement and withdraw approval at any time; with or without cause, without incurring liability of any kind, and the applicant's sole remedy shall be the refund of any deposits paid by the applicant to the Authority. The applicant represents and agrees that the following activities shall not take place:	
a. Any sale or consumption of alcoholic beverages, drugs, or illegal substances; b. Any form of gambling; c. Any other form of illegal activity;	
d. Any commercial enterprise; e. Any partisan activity; or f. Any sale of tickets for events, including performances, solicitation of funds, raffles, or dances, unless prior approval has been granted.	
The applicant further agrees to pay in advance any fee that has been established for use of the designated area.	
ACKNOWLEDGEMENT OF AGREEMENT: <i>I acknowledge that I have read and understand the agreement and will abide by the terms thereof:</i>	
APPLICANT'S SIGNATURE _____	
NYCHA staff must be informed that it is against NYCHA policy to accept funds as compensation to supervise rental events or to do clean up.	
FORM RECEIVED BY: SIGNATURE & TITLE	DATE
SECTION C-APPROVALS	
SIGNATURE	DATE
COMMUNITY/SENIOR CENTER DIRECTOR	<input type="checkbox"/> YES <input type="checkbox"/> NO
BORO DIRECTOR/DEPUTY DIRECTOR, COMMUNITY OPERATIONS (Interior Space Only)	<input type="checkbox"/> YES <input type="checkbox"/> NO
BORO DIRECTOR, MANAGEMENT (Exterior Space Only)	<input type="checkbox"/> YES <input type="checkbox"/> NO
CONDITION OF FACILITY AFTER RENTAL (To be completed by Supervisor of Caretaker)	<input type="checkbox"/> SATISFACTORY <input type="checkbox"/> UNSATISFACTORY (explain)

SUPERVISOR OF CARETAKER _____ DATE _____	
SECTION D-REFUND OF SECURITY DEPOSIT BY COMMUNITY/SENIOR CENTER DIRECTOR/BOROUGH OFFICE	
AMOUNT REFUNDED \$ _____	DATE _____
APPLICANT'S SIGNATURE _____	DATE _____

APPLICANT

TPA Checklist – CONSULTANTS (Excluding Travel)

NYCHA USE ONLY DATE PROPOSAL RECEIVED
--

RA Submitting Proposal: _____

Subject of Proposal: _____

- Consultant Letter of Intent to Resident Association.** Letter of Intent must include a general description of services, the hourly rate to be charged, the work schedule, and the total cost for all services.
- Consultant Resume.** Resume must list relevant experience.
- Conflict of Interest Provider’s Certification.** Consultant must complete and sign this form (3rd page of TPA Proposal)
- Program Curriculum.** Curriculum must describe program components and be connected to a planned timeline for providing the program.
- Location** of program is specified and, if needed, approval for use of space is provided.
- Signed Agreement from RA to Ensure Participation of Authorized Residents in TPA**
- Other (indicate):** _____
- Proof of Insurance: Minimum requirements for Consultants serving adults 18 and over:**
 - General Liability (\$1 million per occurrence/\$2 million aggregate)
 - Workers Compensation or waiver if no employees
 - Consultants serving youth under 18 or frail elderly, Abuse/Molestation coverage of \$1,000,000
 - Additional coverage/directions specified by NYCHA Risk Finance:

PROCUREMENT REQUIREMENTS – INDICATE IF NOT APPLICABLE

- Three (3) quotes** are required for all contracts/purchases \$5000 or more.
- Completed Doing Business Data Form** is required for contracts/purchases \$5000 or more. A DBDF should be requested from all bidders on a solicitation of \$5000 or more and must be provided by the awardee to move forward.

FOR CONSULTANTS PROVIDING SERVICES TO YOUTH 6-12 YEARS OLD (OR AS DETERMINED BY NYCHA OR THE SPONSORING ENTITY, FOR CONSULTANTS PROVIDING SERVICES AT COMMUNITY CENTERS SERVING 6-12 YEAR OLDS.) INDICATE IF NOT APPLICABLE.

- New York State Statewide Central Register Database Check.** Either a current NYS Clearance letter must be on file with NYCHA/Center Sponsor or the consultant must complete the Statewide Central Register Database Check form and submit to NYCHA/Center Sponsor for filing. The consultant cannot begin work until a State Clearance Letter has been issued.
- New York State Fingerprinting Check.** Either a current NYS Clearance letter must be on file with NYCHA/Center Sponsor or the consultant must be fingerprinted. The consultant cannot begin work until a State Clearance Letter has been issued.

FOR NYCHA USE ONLY: Date Proposal Reviewed _____ . Complete/Incomplete (circle one). If incomplete, date returned to RA _____ via email/ fax/ mail (circle one) RA Has Funds Available (circle one): Yes No RA Owes Receipts for Funds Advanced (circle one): Yes No SIGNATURE OF TPA COORDINATOR: _____
--

TPA Checklist – Activities that include OVERNIGHT TRAVEL

RA Submitting Proposal: _____

Subject of Proposal: _____

NYCHA USE ONLY DATE PROPOSAL RECEIVED
--

- Written justification for travel addressing the below criteria from HUD Notice PIH 2013-21(HA):
 - Will residents have equal or broad access to the resource being provided? Will this expense benefit an individual or is it being made available to a larger group?
 - Is the proposed TP activity to take place locally? If not, is there a compelling reason for the activity to take place outside of the PHA’s jurisdiction?
 - Are the needs of the community, such as those documented in the PHA Plan, being met by the proposed TP activity?
 - Conference or retreat information including agenda/schedule and descriptions of workshops
 - List of persons traveling, including: First and last name and RA board titles, if applicable. If traveling by airplane, birth dates of travelers are required.
 - Rooming List indicating which residents, if any, will share rooms
 - Verification of residency of proposed travelers from the development management office. (This is not required if travelers are current certified RA Board Members).
 - Signed Agreement from RA to Ensure Participation of Authorized Residents in TPA
 - Hotel (name, address, phone #) where travelers wish to stay
 - Desired mode of transportation with preferred Date/Time/location of departure from New York and preferred Date/Time of return to New York
 - If the RA is hiring consultant(s), the TPA proposal must include:
 - Letter of Intent from Consultant(s) with a general description of services, the hourly rate to be charged, the work schedule, and the total cost for all services,
 - resumes of proposed trainers Conflict of Interest Certification
 - Proof of Insurance: Minimum requirements for Consultants serving adults 18 and over:
 - General Liability (\$1 million per occurrence/\$2 million aggregate)
 - Workers Compensation or waiver if no employees
 - Consultants serving youth under 18 or frail elderly, Abuse/Molestation coverage of \$1,000,000*
 - Additional coverage/directions specified by NYCHA Risk Finance:
-
- If proposal is for a leadership retreat and RA wishes to contract directly with the hotel to provide rooms and meals, attach the following:
 - invoice from the hotel menu
 - hotel contract (unsigned). **NYCHA must give authorization for RA to sign contract**
 - Three (3) quotes** are required for all consultant and bus services \$5000 or more (hotels excluded).
 - Completed Doing Business Data Form** is required for contracts/purchases \$5000 or more.

FOR NYCHA USE ONLY: Date Proposal Reviewed _____ . Complete/Incomplete (circle one). If incomplete, date returned to RA _____ via email/ fax/ mail (circle one) RA Has Funds Available (circle one): Yes No RA Owes Receipts for Funds Advanced (circle one): Yes No SIGNATURE OF TPA COORDINATOR: _____
--

TPA Checklist - MATERIALS

NYCHA USE ONLY
DATE PROPOSAL RECEIVED

RA Submitting Proposal: _____

Subject of Proposal: _____

All Material Orders

- Price quote(s) are attached that specifically identify materials (brand, model #, price per item)

Materials for Resident Association Offices

- TPA Staff has visited space and confirms it is of suitable size and condition for materials ordered.
- Equipment and furniture items have been not been previously ordered or justification has been provided. Indicate items that need justification _____
- Justification needed for following equipment and furniture items that are not basic for RA office:

Materials for Resident Association Programs

- For Materials to be stored at Community or Senior Centers:** Community Operations Borough confirms in writing that space is suitable for program and materials will be secure in the space identified.
- For Materials to be stored in Resident Association Program Space:** Community Operations Borough has confirmed in writing that space is suitable for proposed program and materials.

Computer Labs or other Technology Intensive Programs

- Technical staff** (Identify: _____) has visited space and made recommendations for layout, purchase of equipment and furniture, wiring, and Resident Association is in agreement. Technical staff identified above has also agreed to coordinate set up of equipment and furniture.
- Electrical Load Assessment** has been conducted by NYCHA (Identify: _____) and, if electrical wiring or upgrade is needed, non-TPA funds have been identified. Describe status: _____
- Security Assessment** has been conducted by NYCHA Office of Security or other expert in this area. Please describe: _____.

FOR NYCHA USE ONLY: Date Proposal Reviewed _____ . Complete/Incomplete (circle one). If incomplete, date returned to RA _____ via email/ fax/ mail (circle one) RA Has Funds Available (circle one): Yes No RA Owes Receipts for Funds Advanced (circle one): Yes No For RA Offices, site visit has been conducted and space is minimally secure and suitable (circle one) Yes No If no, describe issue: _____ SIGNATURE OF TPA COORDINATOR: _____
--

TPA Checklist - Meetings, Buses, Application Fees, Other

NYCHA USE ONLY
DATE PROPOSAL RECEIVED

RA Submitting Proposal: _____

Subject of Proposal: _____

Meetings

- Meeting agenda/description that supports TPA eligibility
- Price quote(s) are attached for materials and services
- Proposed refreshments and materials are reasonable given scope of meeting

Fees for Applications such as 501c3, NYS Non-Profit Corp, and related

- Application Fee schedule
- Copy of application signature page signed by Resident Association

Buses

- Vendor is on NYCHA's approved list (meets NYCHA's insurance requirements)
- Activity is TPA eligible

Other Misc TPA Proposals (identify): _____

- Item 1 _____
- Item 1 _____
- Item 1 _____

PROCUREMENT REQUIREMENTS – INDICATE IF NOT APPLICABLE

- Three (3) quotes** are required for service contracts \$5000 or more.
- Completed Doing Business Data Form** is required for service contracts \$5000 or more. A DBDF should be requested from all bidders on a solicitation of \$5000 or more and must be provided by the awardee to move forward.

FOR NYCHA USE ONLY: Date Proposal Reviewed _____ . Complete/Incomplete (circle one). If incomplete, date returned to RA _____ via email/ fax/ mail (circle one) RA Has Funds Available (circle one): Yes No RA Owes Receipts for Funds Advanced (circle one): Yes No SIGNATURE OF TPA COORDINATOR: _____
--

TPA Checklist - OUTDOOR SPORTING EVENTS

NYCHA USE ONLY
DATE PROPOSAL RECEIVED

RA Submitting Proposal: _____

Subject of Proposal: _____

INDICATE WHERE THE OUTDOOR ACTIVITY WILL TAKE PLACE

- On NYCHA Property On City Parks Property Other (Indicate) _____

On NYCHA Property

Application for Temporary Use of Exterior/Interior Space (088.043) with approval by management has been submitted and is attached.

Insurance

Proof of Insurance Attached that has been reviewed and approved by Risk Finance.

Event Sponsor If the Resident Association is coordinating the event (developing schedules and teams, hiring referees and coaches), then the RA will need to procure and provide proof of insurance. If an entity other than the RA is providing overall coordination, then that entity will need to provide proof of insurance per the requirements determined by Risk Finance.

Consultants hired by the Resident Association, such as referees, coaches, coordinators must have own insurance unless the Event Sponsor coverage specifically indicates they are covered.

Required Coverage

- General Liability (\$1 million per occurrence/\$2 million aggregate)
- Workers Compensation or waiver if no employees
- Consultants serving youth under 18 or frail elderly, Abuse/Molestation coverage of \$1,000,000
- Additional coverage/directions specified by NYCHA Risk Finance:

Other Needed Elements of Proposal

Description of Program, including targeted age group, divisions, number of teams, number of games, how participants and coaches will be selected, a

Signed Agreement from RA to Ensure Participation of Authorized Residents in TPA

Schedule of Games

Quote(s) for uniforms, trophies and supplies, if applicable

List of all consultants being hired to referee, coach, coordinate, assist with coordination etc.

Three (3) quotes are required for all consultant services \$5000 or more.

Completed Doing Business Data Form is required for contracts/purchases \$5000 or more.

FOR NYCHA USE ONLY: Date Proposal Reviewed _____ . Complete/Incomplete (circle one). If incomplete, date returned to RA _____ via email/ fax/ mail (circle one) RA Has Funds Available (circle one): Yes No RA Owes Receipts for Funds Advanced (circle one): Yes No SIGNATURE OF TPA COORDINATOR: _____
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**Tenant Participation Activities (TPA)
CONSULTANT EVALUATION**

Tenant Participation Activity (TPA) Guidelines require that resident leaders evaluate Consultants that provide TPA-funded services to residents. Please respond to the questions below, sign the form and fax the form back to your TPA Coordinator at Fax # 212-306-5172.

TO BE COMPLETED BY RESIDENT ASSOCIATION PRESIDENT

Consultant: _____

Dates Services Provided: _____

Type of Services: _____

RA President Name (print) Title Development

RA President Signature Date

	Circle one answer for each			
The Consultant was professional	Strongly Agree	Agree	Disagree	Strongly Disagree
The Consultant/Program met your expectations	Strongly Agree	Agree	Disagree	Strongly Disagree
The Consultant provided the program that was proposed	Strongly Agree	Agree	Disagree	Strongly Disagree
In your opinion, Participants were satisfied with the Consultant/Program	Strongly Agree	Agree	Disagree	Strongly Disagree
Would you recommend hiring this Consultant again?	Yes	No	Maybe	
Overall, how would you rate the Consultant/Program	Excellent	Good	Fair	Poor

Please provide additional comments below:

Form **W-9**
 (Rev. October 2007)
 Department of the Treasury
 Internal Revenue Service

**Request for Taxpayer
 Identification Number and Certification**

**Give form to the
 requester. Do not
 send to the IRS.**

**Print or type
 See Specific Instructions on page 2.**

Name (as shown on your income tax return)

Business name, if different from above

Check appropriate box: Individual/Sole proprietor Corporation Partnership
 Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ Exempt payee
 Other (see instructions) ▶

Address (number, street, and apt. or suite no.)

City, state, and ZIP code

List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number
or
Employer identification number

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or other U.S. person (defined below).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

Sign Here	Signature of U.S. person ▶	Date ▶
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General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a “saving clause.” Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called “backup withholding.” Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate Instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your individual name as shown on your income tax return on the “Name” line. You may enter your business, trade, or “doing business as (DBA)” name on the “Business name” line.

Limited liability company (LLC). Check the “Limited liability company” box only and enter the appropriate code for the tax classification (“D” for disregarded entity, “C” for corporation, “P” for partnership) in the space provided.

For a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Regulations section 301.7701-3, enter the owner’s name on the “Name” line. Enter the LLC’s name on the “Business name” line.

For an LLC classified as a partnership or a corporation, enter the LLC’s name on the “Name” line and any business, trade, or DBA name on the “Business name” line.

Other entities. Enter your business name as shown on required federal tax documents on the “Name” line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the “Business name” line.

Note. You are requested to check the appropriate box for your status (individual/sole proprietor, corporation, etc.).

Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the “Exempt payee” box in the line following the business name, sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

Note. If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
2. The United States or any of its agencies or instrumentalities,
3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
5. An international organization or any of its agencies or instrumentalities.

Other payees that may be exempt from backup withholding include:

6. A corporation,
7. A foreign central bank of issue,
8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
9. A futures commission merchant registered with the Commodity Futures Trading Commission,
10. A real estate investment trust,
11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
12. A common trust fund operated by a bank under section 584(a),
13. A financial institution,
14. A middleman known in the investment community as a nominee or custodian, or
15. A trust exempt from tax under section 664 or described in section 4947.

The chart below shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 13. Also, a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 ¹	Generally, exempt payees 1 through 7

¹ See Form 1099-MISC, Miscellaneous Income, and its instructions.

² However, the following payments made to a corporation (including gross proceeds paid to an attorney under section 6045(f), even if the attorney is a corporation) and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, and payments for services paid by a federal executive agency.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see *Limited liability company (LLC)* on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note. See the chart on page 4 for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at www.ssa.gov. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at www.irs.gov/businesses and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting www.irs.gov or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note. Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt payees, see *Exempt Payee* on page 2.

Signature requirements. Complete the certification as indicated in 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

Secure Your Tax Records from Identity Theft

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

Call the IRS at 1-800-829-1040 if you think your identity has been used inappropriately for tax purposes.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes.

Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to phishing@irs.gov. You may also report misuse of the IRS name, logo, or other IRS personal property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: spam@uce.gov or contact them at www.consumer.gov/idtheft or 1-877-IDTHEFT(438-4338).

Visit the IRS website at www.irs.gov to learn more about identity theft and how to reduce your risk.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ¹
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ¹
5. Sole proprietorship or disregarded entity owned by an individual	The owner ³
For this type of account:	Give name and EIN of:
6. Disregarded entity not owned by an individual	The owner
7. A valid trust, estate, or pension trust	Legal entity ⁴
8. Corporate or LLC electing corporate status on Form 8832	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership or multi-member LLC	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

¹ List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

² Circle the minor's name and furnish the minor's SSN.

³ You must show your individual name and you may also enter your business or "DBA" name on the second name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

⁴ List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships* on page 1.

Note. If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA, or Archer MSA or HSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, the District of Columbia, and U.S. possessions to carry out their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 28% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.

Attachment J

NYCHA 121.081 (Rev. 8/05) AP SUPPLIER MAINTENANCE REQUEST	NEW YORK CITY HOUSING AUTHORITY
To: Accounts Payable – Vendor Maintenance PLEASE CHECK ONE	
<input type="checkbox"/> ADD <input type="checkbox"/> MODIFY THE FOLLOWING SUPPLIER	CHANGE STATUS: <input type="checkbox"/> HOLD <input type="checkbox"/> REMOVE HOLD <input type="checkbox"/> INACTIVATE <input type="checkbox"/> ACTIVATE
SUPPLIER NAME	SUPPLIER NUMBER
TAXPAYER I.D. (REQUIRED)	FEDERAL REPORTABLE <input type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS (IF PO BOX, INCLUDE STREET ADDRESS)	
CITY _____ STATE _____ ZIP CODE _____ COUNTRY _____	
MAIN TELEPHONE NUMBER ()	CONTACT NAME
FAX NUMBER ()	E-MAIL ADDRESS
REMIT TO LOCATION	<input type="checkbox"/> RFP OR <input type="checkbox"/> PURCHASE ORDER LOCATION
ADDITIONAL COMMENTS OR REQUIREMENTS:	
ADDITIONAL VENDOR INFORMATION	
ALTERNATE NAME	CUSTOMER NUMBER
BUSINESS TYPE	SIC CODE PARENT SUPPLIER NAME
<input type="checkbox"/> MINORITY OWNED <input type="checkbox"/> WOMEN OWNED <input type="checkbox"/> SMALL BUSINESS <input type="checkbox"/> NYCHA RESIDENT OWNED <input type="checkbox"/> NONE OF THE ABOVE	
IF MINORITY OWNED, CHECK BELOW <input type="checkbox"/> ASIAN/PACIFIC <input type="checkbox"/> WOMEN <input type="checkbox"/> BLACK <input type="checkbox"/> HASIDIC JEW <input type="checkbox"/> HISPANIC <input type="checkbox"/> NATIVE AMERICAN	
TERMS:	
PAYMENT METHOD	IF EFT, SUPPLY BANK, ROUTING, BANK ACCOUNT INFORMATION, AND BANK ADDRESS
<input type="checkbox"/> CHECK	_____
<input type="checkbox"/> EFT	_____
TAX REPORTING SITE	W-9 ATTACHED: MATCH APPROVAL LEVEL: <input type="checkbox"/> YES <input type="checkbox"/> NO
REQUESTED BY <i>(Print & Sign)</i>	APPROVED BY <i>(Print & Sign)</i>
TITLE: DEPARTMENT:	TITLE: DEPARTMENT:
ACCOUNTS PAYABLE USE ONLY: (VENDOR MAINTENANCE UNIT)	
APPROVED BY: _____	
<i>(PRINT & SIGN NAME)</i>	
TITLE	DATE



NEW YORK CITY HOUSING AUTHORITY
90 CHURCH STREET • NEW YORK, NY 10007
TEL: (212) 306-3000 • <http://nyc.gov/nycha>

Corporate Affairs Division of Law Department reserves the right to make revisions to this agreement at a later date.

SAMPLE AGREEMENT FOR SERVICES

This letter embodies an Agreement for Services (the “**Agreement**”) by and between New York City Housing Authority and **firstname lastname**, (the “**specifytypeof Consultant**”) who has a mailing address of **# streetname, apt#, city, state zipcode**, whose last four digits of social security number (last 4 digits) or Federal Tax Number are **XXX-XXXX-####**, and whose phone # is **###-###-####** and the New York City Housing Authority (“**NYCHA**”) pursuant to which the Consultant is being retained by NYCHA in the capacity of **Consultant to nameresident association Resident Association** (the “**RA**”) to perform the task of providing a **specifytheprogram Program** (the “**Program**”) for Adults. The Program is being funded by **TPA** pursuant to its approval by the **RA**, the **namedistrictcouncil** District Council of Presidents, Citywide Council of Presidents and NYCHA.

The services that the Consultant shall render shall be at **RA’s** direction, following the curriculum attached as Exhibit A. The Consultant shall render all services at dates and times as are mutually agreed upon with **RA** between a commencement date of **startdate** and an expiration date of **enddate** (the “**Contract Term**”). The Program will take place at the **namelocation, address, city st zipcode**, for a maximum of **# of hours**. The Consultant will be paid at a rate of **###.00** an hour up to a maximum of **#####**.

Timesheets and attendance sheets (attached to this agreement) approved by **RA** must be submitted with each invoice.

General Terms and Conditions:

1. The Consultant acknowledges that it cannot receive compensation from NYCHA for the Program that would exceed a total of **#####** or a maximum of **###** hours.
2. RA shall have the right to review the Consultant’s work performance. If, at any time, RA determines that such work performance is not acceptable, or is not in accordance with the provisions of this agreement, or if RA desires to terminate this Agreement for its convenience, RA may terminate this agreement by informing the Consultant in writing at the address indicated above to cease all work. *If per session attendance of the program is regularly below **### Participants***, the RA may choose to end the Program with two weeks prior notice to the Consultant. If RA terminates the Agreement for its convenience,

the consultant shall be entitled to payment for any services that the Consultant has performed prior to the date of termination for which the Consultant has not yet been paid.

3. After RA has submitted to NYCHA an invoice for payment from the Consultant that includes the Consultant's social security number (or Federal Tax Identification Number) and that is in accordance with the payment terms of this Agreement for Services and the time and attendance sheet, and such other documentation as NYCHA may require, **NYCHA will endeavor to pay the Consultant within 30 days of receipt of the invoice and required documents.**

Notwithstanding the above, NYCHA will not pay any late charge or penalty under any circumstances. Services and sales to NYCHA are exempt from the payment of most federal excise taxes and state and city sales taxes.

4. It is understood that nothing herein contained shall in any way be construed as constituting the Consultant as an employee of NYCHA. This Agreement is not assignable by the Consultant and is for the retention of the Consultant's personal service as an independent contractor.

5. If the Consultant creates any original written materials as part of its service hereunder, the Consultant agrees that all right, title, and interest in and to such written materials, including, but not limited to, all patent, copyright, and trade secret rights inherent in said materials, shall vest to RA and the Consultant agrees to execute and deliver to RA any and all documents reasonably required by RA to evidence such ownership in RA and the perfection by RA of any intellectual property rights in said materials.

6. The Consultant agrees to indemnify and shall hold harmless RA, NYCHA, its Members, officers, employees, and agents from and against any and all losses, damages, costs, fees, and expenses, including, without limitation, all reasonable sums charged to associated litigation, relating to any personal injury (including death) or property damage arising out of the performance of this Agreement.

7. The Consultant shall obtain and maintain, and cause any subcontractors to obtain and maintain, during the course of this Agreement, and any extensions thereof, insurance consisting of the amounts and types set forth in Attachment 1 hereto (NYCHA's Insurance Requirements), or such other amounts and types as may approved by NYCHA's Risk Finance Division. Prior to commencing services under this Agreement, the Consultant shall provide NYCHA with certificates of Insurance evidencing the forgoing insurance coverage.

REMAINDER OF THE PAGE IS BLANK

If you agree with the foregoing, please sign in the space provided below and return the original of this letter to NYCHA. A copy of this Agreement will be provided to you and kept on file at main office of the Department of Community Operations.

Agreed to on this _____ day of _____, 2014

Consultant Signature _____

(Print Name) _____

**New York City Housing Authority
90 Church Street
New York, NY 1007**

By:

Name: _____

Title: _____

Signature: _____

New York City Housing Authority Consultant Timesheet	
FOR THE MONTH OF _____ YEAR _____	
NAME:	LAST 4 DIGITS OF SOCIAL SECURITY NUMBER: _____
DEVELOPMENT:	
PROGRAM:	CONTRACT TERM: START DATE: / / END DATE: / /

DATE	IN	SIGNATURE	OUT	SIGNATURE	# HOURS	SUPERVISOR APPROVAL
TOTAL:						

SIGNATURE OF CONSULTANT: _____ DATE: ___/___/___

SIGNATURE OF AUTHORIZING PERSON: _____ DATE: ___/___/___

CONSULTANT INVOICE FOR SERVICES				
FOR THE MONTH OF _____ YEAR _____				
NAME:			LAST 4 DIGITS OF SOCIAL SECURITY NUMBER: _____	
ADDRESS:			CV#:	
			PO#:	DATE:
PHONE:			CONTRACT TERM: START DATE: / / END: / /	
PROGRAM:				
WEEKDAY	DATE	TIME	HOURS	LOCATION
SIGNATURE OF CONSULTANT & DATE:			TOTAL AMOUNT OF INVOICE	
SIGNATURE OF AUTHORIZING PERSON:			CONSULTANT'S HOURLY RATE	
APPROVAL OF PAYMENT BY:			CONTRACT BALANCE:	
			CURRENT INVOICE:	
			CURRENCY BALANCE:	

CONSULTANT INVOICE FOR SERVICES		
FOT THE MONTH OF _____ YEAR _____		
NAME:	LAST 4 DIGITS OF SOCIAL SECURITY NUMBER: _____	
ADDRESS:		
PHONE:	DATE:	
PROGRAM:		
DATE OF EXPENDITURE	DESCRIPTION OF EXPENDITURE <i>*PLEASE ATTACH RECEIPTS FOR EACH EXPENDITURE LISTED</i>	AMOUNT
TOTAL AMOUNT OF EXPENDITURES: _____		
SIGNATURE OF CONSULTANT & DATE:		
SIGNATURE OF AUTHORIZING PERSON:		
APPROVAL OF PAYMENT BY:	CONTRACT BALANCE:	
	CURRENT INVOICE:	
	CURRENT BALANCE:	

NYCHA Insurance Requirements for Community Operations – Human Services – Low Risk

COVERAGE TYPE	EXTENT OF REQUIREMENT	MINIMUM LIMITS	FORMS & REQUIRED ENDORSEMENTS
Workers' Compensation/Employer's Liability	Mandatory for ALL	Workers' Compensation: Statutory for the State of New York Minimum Employer's Liability: \$1,000,000 Each Employee \$1,000,000 Each Accident \$1,000,000 Policy Limit	Form: As required in the State of New York Endorsements: <ul style="list-style-type: none"> Waiver of Subrogation Primary & Non-Contributory Clause
Commercial General Liability	Mandatory for ALL	\$1,000,000 per Occurrence \$2,000,000 General Aggregate \$2,000,000 Products/Completed Operations \$1,000,000 Personal/Advertising Injury \$5,000 Medical Expense \$1,000,000 Molestation and Abuse Liability Limit \$300,000 Fire Damage/Damage to Rented Premises	Form: General Liability Form ISO CG 00 01 or equivalent Endorsements: <ul style="list-style-type: none"> Additional Insured ISO Form CG2010 and CG2037 or their equivalents Waiver of Subrogation Primary & Non-Contributory Clause Severability of Interest Clause
Professional (Errors & Omissions) Liability	Mandatory for Licensed Professional Services	\$1,000,000 Each Claim \$1,000,000 Aggregate	Form: Claims-made form Extended Reporting Period 3 Years from the end of contract services Endorsements: <ul style="list-style-type: none"> NYCHA as Indemnified Party for vicarious liability Primary & Non-Contributory Clause Severability of Interest Clause
Business Auto Liability	Mandatory for ALL	\$1,000,000 Combined Single Limit \$5,000,000 if entity transports clients and/or participants.	Form: Business Auto Form CA 00 01 or equivalent Coverage to be applicable to Owned, Non-Owned & Hired Autos Endorsements: <ul style="list-style-type: none"> Additional Insured ISO Form CA2048 or its equivalent Waiver of Subrogation Primary & Non-Contributory Clause Severability of Interest Clause

- All policies must be written by insurers with minimum AM Best Rating of "A" and Financial Size Category of "VII".
- Contractors are required to confirm and maintain proof of coverage for all their subcontractors for the duration of the contract.

NYCHA Insurance Requirements for Community Operations – Human Services – Low Risk

- Limits can be adjusted depending on scope and size of contract.

**NYCHA Insurance Requirements for Sporting Events/Recreation/Education
(No Professional Liability)**

COVERAGE TYPE	MINIMUM LIMITS	FORMS & REQUIRED ENDORSEMENTS
Workers' Compensation/ Employer's Liability	Workers' Compensation: Statutory for the State of New York Minimum Employer's Liability: \$1,000,000 Each Employee \$1,000,000 Each Accident \$1,000,000 Policy Limit	Form: As required in the State of New York Endorsements: <ul style="list-style-type: none"> • Waiver of Subrogation • Primary & Non-Contributory Clause
Commercial General Liability	\$1,000,000 per Occurrence \$2,000,000 General Aggregate \$1,000,000 Products/Completed Operations \$1,000,000 Personal/Advertising Injury \$5,000 Medical Expense \$1,000,000 Molestation and Abuse Liability \$300,000 Fire Damage/Damage to Rented Premises	Form: General Liability Form ISO CG 00 01 or equivalent Endorsements: <ul style="list-style-type: none"> • Additional Insured ISO Form CG2010 and CG2037 or their equivalents • Waiver of Subrogation • Primary & Non-Contributory Clause • Severability of Interest Clause • Full Liability Limits for Injury to Sports Participants
Business Auto Liability	\$1,000,000 Combined Single Limit \$5,000,000 if entity transports clients and/or participants	Form: Business Auto Form CA 00 01 or equivalent Coverage to be applicable to Owned, Non-Owned & Hired Autos Endorsements: <ul style="list-style-type: none"> • Additional Insured ISO Form CA2048 or its equivalent • Waiver of Subrogation • Primary & Non-Contributory Clause • Severability of Interest Clause
Participants Accident Coverage	\$10,000 Participants Medical including Dental \$10,000 Accidental Death and Dismemberment \$100,000 Aggregate	

- NYCHA Risk Finance Division must be contacted immediately about a NYCHA property hosting a collision sporting events (i.e. Boxing, Martial Arts etc.)
- All policies must be written by insurers with minimum AM Best Rating of "A" and Financial Size Category of "VII".
- Contractors are required to confirm and maintain proof of coverage for all their subcontractors for the duration of the contract.
- Limits can be adjusted depending on scope and size of contract.

**NYCHA Insurance Requirements
(Professional Services/Consulting Contracts – Low Risk)**

COVERAGE TYPE	EXTENT OF REQUIREMENT	MINIMUM LIMITS	FORMS & REQUIRED ENDORSEMENTS
Professional (Errors & Omissions) Liability	Mandatory for ALL	\$1,000,000 Each Claim \$2,000,000 Aggregate	<p>Form: Claims-made form</p> <p>Extended Reporting Period 3 Years from the end of contract services</p> <p>Endorsements:</p> <ul style="list-style-type: none"> • NYCHA as Indemnified Party for vicarious liability • Primary & Non-Contributory Clause • Severability of Interest Clause

- All policies must be written by insurers with minimum AM Best Rating of "A" and Financial Size Category of "VII".
- Contractors are required to confirm and maintain proof of coverage for all their subcontractors for the duration of the contract.
- Limits can be adjusted depending on scope and size of contract.

Insurance and Loss Prevention Guide
for
NYCHA
Resident Associations
Citywide Council of Presidents
District Council of Presidents
Resident Advisory Board

This Guide provides assistance for Resident Associations, CCOP, District Councils and Resident Advisory Boards and best practices for protection of their personnel, clients and property. It is suggested that Boards should also organize, incorporate and hire legal counsel to assist with contractual requirements, when necessary. Best practices also include the purchase of insurance by the various associations, councils and their respective vendors, and implementation of risk management steps. This Guide will help Resident Associations with those steps.

- I. Determine what insurance the Resident Association needs based on its organizational structure, activities and programs.
- II. Establish loss avoidance and reduction criteria and insurance requirements for consultants, contractors and vendors of the Resident Association
- III. Establish a game plan for the identification and selection of insurance and risk management professionals needed.

Insurance and Risk Management for Resident Organizations

Organizations, large and small, purchase insurance to protect their personnel and assets from loss. A basic insurance program includes required (usually NYS), Workers Compensation (injured while working), Disability (injured any other time), General Liability, Automobile Liability and Umbrella Liability.

Organizations with boards and officers also purchase Directors and Officers Liability, including Employment Practices Liability.

If the organization owns property (i.e. equipment, office supplies etc., not NYCHA property), it should protect the value of that property by purchasing Property Insurance.

Other insurance, such as Abuse and Molestation, may be needed if the organization serves vulnerable populations who must be protected (i.e. children, the disabled and impaired elders).

Statutory Workers Compensation and Statutory Disability

New York State requires most employers to purchase **Workers Compensation and Disability insurance** to protect employees and uninsured contractors. Under NYS WC law the term “employee” may be applicable to volunteers as well as paid personnel.

An uninsured contractor could potentially be considered an “employee” of the board or association. So, in order for the board or association to avoid an additional premium charge for such contractors, they must require and maintain evidence (certificate of insurance) that the independent contractors are insured for the duration of their assignments.

General Liability

General Liability protects against the legal obligation of the associations for bodily injury or property damage to a third party (e.g., guests of the Resident Associations). For example, an injury arising from a slip and fall due to negligence on the part of a Resident Association member, who caused the accident, would be covered by a General Liability policy. Some “civil wrongs” (torts) such as invasion of privacy, may be covered.

Automobile Liability

Automobile Liability is needed to cover claims for bodily injury or property damage arising from the ownership or use of an automobile. Even if your Resident Association does not own any vehicles, it can be held liable for an automobile loss or injury to a third party arising from vehicles rented by or loaned to the organization. Example: An Association employee uses his/her vehicle to take residents to an event. The Resident Association may be sued if there is an automobile accident.

Directors and Officers Liability Coverage

Each Resident Association, CCOP, and District Council board should secure Directors and Officers Liability Coverage including Employment Practices to protect the organization, its board members and officers against claims of wrongful acts by directors and officers while performing their duty.

Abuse and Molestation Coverage

Organizations must implement effective measures to protect children and other vulnerable populations (learning impaired, disabled, elders with diminished capacity, etc) from predators. The first line of defense is incident avoidance, since no amount of insurance will remedy the harm done when abuse or molestation occur. (Abuse is not limited to sexual contact and can include bullying, intimidation, having inappropriate conversations, showing questionable photos and more.)

Purchasing Abuse and Molestation Coverage not only provides insurance to defend the organization and indemnify victims, it provides access to training by the insurance company. This formal training focuses on avoiding the abuse and molestation incident, supporting victims, protecting a potential victim, protecting other personnel and allowing the organization to continue to serve its community.

Umbrella Liability Coverage

The commercial umbrella policy will act as additional limits over the primary (underlying) policies. The commercial umbrella policy will typically be excess of the underlying Employer's Liability, Commercial General Liability policy and Automobile Liability.

Recommended Minimum Limits for Resident Organizations are:

Workers Compensation/Employers Liability:

New York State Statutory Limits are required

Employers Liability Limit:	\$1,000,000 Each Employee
	\$1,000,000 Each Accident
	\$1,000,000 Policy Limit

Commercial General Liability:

Each Occurrence:	\$1,000,000
Products/Completed Operations:	\$2,000,000
Personal & Advertising Injury:	\$1,000,000
General Aggregate:	\$2,000,000
Medical Expense:	\$5,000
Molestation & Abuse:	\$1,000,000

Automobile Liability:

Combined Single Limit (Each Accident):	\$1,000,000
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Coverage is also required for Non Owned and Hired Autos

Directors & Officers Including Employment Practices Liability:

Per Claim and Aggregate	\$1,000,000
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Umbrella/Excess Liability:

Each Occurrence and Aggregate:	\$1,000,000
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II Consultant, Contractor & Vendor Requirements

Many NYCHA organizations use a portion of their approved funding to hire persons and/or companies to provide services. These resident association vendors should be required to provide evidence of insurance. Evidence of insurance is usually provided by a Certificate of Insurance. Insurance requirements for your vendors should be stipulated in a **written contract**. The Certificate of Insurance has a section known as Description of Operations. This section should include the name and description of the project, for example: X Vendor providing nutritional classes for expectant mothers at X Development from X Date to X Date.

Vendors should be required to maintain and give evidence of Statutory Workers Compensation, General Liability Automobile Liability and, in some cases, Professional Liability. Other insurance such as Abuse and Molestation may be needed if the consultant/contractor serves vulnerable persons who must be protected (i.e. children, the disabled and impaired elders).

Professional Liability should be required when a vendor provides a Professional Service such as education, healthcare, counseling, legal or financial advice, architectural or engineering services, etc.

Recommended Minimum limits for vendors all types:

Workers Compensation/Employers Liability:

New York State Statutory Limits are required

Employers Liability* Limits:	\$1,000,000 Each Employee
	\$1,000,000 Each Accident
	\$1,000,000 Policy Limit

Commercial General Liability:

Each Occurrence:	\$1,000,000
Products/Completed Operations:	\$2,000,000
Personal & Advertising Injury:	\$1,000,000
General Aggregate:	\$2,000,000
Medical Expense:	\$5,000
Molestation & Abuse:	\$1,000,000

Automobile Liability:

Combined Single Limit (Each Accident): \$1,000,000

Coverage is also required for Non Owned and Hired Autos

Professional Liability

Each Claim \$1,000,000

Aggregate \$2,000,000

Umbrella/Excess Liability:

Each Occurrence and Aggregate: \$1,000,000

Risk Management Requirements

Resident Associations should require by contract that, for insurance provided by **Consultants, Contractors, Subcontractors and Vendors:**

- The insurance is written by companies licensed or authorized to do business in the State of New York.
- Proof of coverage (Certificate of Insurance [COI]) must disclose self insured programs, material exclusions and limitations in coverage.
- The Resident association and NYCHA are named as Additional Insureds.
- Policies are endorsed to have a Waiver of Subrogation against the Resident association and NYCHA.
- All persons assigned to work with or in proximity to NYCHA residents, especially children and disabled persons, provide evidence of Abuse and Molestation avoidance training and confirmation of no involvement in any act or cover-up of Abuse and Molestation.
- All vendors subject to licensing or other regulatory requirements should provide evidence of such license.
- Any vendor who provides or arranges mass transportation should provide copies of driver's license(s).
- All vendors must require the subcontractor(s) and suppliers they engage to fulfill their Resident Association to meet all of the insurance requirements that would be applicable to the vendor if the work had not been subcontracted.

III. Identifying and Selecting an Insurance and Risk Management Professional

In some states such as New York, insurance can be purchased directly from an insurance company. Another alternative is to use an independent insurance agent from a particular company or a broker that represents many companies. Choosing the right representative is most important.

To begin, get references about your insurance representative. An excellent reference source is the insurance industry itself. Contact and interview at least three different insurance agent/brokerage firms. The following websites should be helpful with general insurance guidance and tactics for finding an insurance representative:

<http://www.iii.org/articles/how-do-i-find-the-right-agent.html>

<http://businessinsure.about.com/od/agentsandbrokers/f/htfinsp.htm>

<http://www.dfs.ny.gov/consumer/smallbus/pcsmbus.pdf>

Choose a professional who listens to and who educates you.

A good representative will ask questions about your insurance needs. You will be asked to help complete and sign applications for the coverages and services you are seeking.

Make sure you are comfortable with the agent's or broker's recommendations and advice. Do not do business with a person or firm you do not like.

Select an agent who demonstrates a commitment to help you get optimum value, the best coverage possible for the least amount of premium.

Require your insurance representative to:

Provide immediate proof of binding (letter stating the coverage, that you have paid and effective date), give you both a hard copy and, if you wish, electronic copies of your policies within 10 working days of binding coverage.

Review classifications (the category of business your organization is assigned by the insurance company, which is a key factor used to determine your premium).

Review claims you have reported on an annual basis for accuracy and to identify loss avoidance and reduction strategies. Confirm that your organization actually had such a loss. Insurance companies sometimes make mistakes. Confirm whether the amount of the loss on the report is consistent with the amount actually paid. Question losses shown as being open when you know the situation to be resolved.

Assist your organization, before a loss occurs, by providing them with a claim reporting form to document the value of property damaged or injury sustained.

Obtain the broadest coverage at the most competitive price with a financially sound insurer having at least an AM Best rating of B++VII.

Assist with the creation and implementation of loss avoidance and other risk management practices for the organization, its consultants, contractors and vendors.

Supplemental Information

Workers' Compensation Coverage

Complying with the Law

NYS Workers' Compensation Law requires that most employers obtain and continuously keep in effect workers' compensation coverage for their employees. ([Employees](#))

Entities meet this requirement of the law by:

- Obtaining and maintaining a workers' compensation insurance policy; or
- Obtaining self-insurance for workers' compensation.

Who is an Employee

Under the Workers' Compensation Law, most individuals providing services will be deemed an employee of that business or organization and therefore must be covered by workers' compensation insurance. This applies unless those services are specifically excluded as employment under the WCL.

For workers' compensation insurance purposes, the term *employee* generally includes day labor, leased employees, borrowed employees, part-time employees, unpaid volunteers (including family members) and most subcontractors (specific exclusions listed under [Identifying an Independent Contractor](#)).

Many factors are used to decide whether an individual is an employee under the Workers' Compensation Law. If an organization meets any of the criteria listed below, and the individual hired does not meet the criteria listed under independent contractors, or the services rendered are not specifically exempted as employment under the WCL, then that organization must obtain a workers' compensation insurance policy.

The factors that are considered to determine whether an individual is an employee within the meaning of the WCL and thus must be provided with workers' compensation insurance coverage by the employer include:

Right to Control- The degree of direction and control a person or organization exercises over someone they contract with to perform a task is always a central issue in determining an employer-employee relationship. A person or organization controlling the manner in which the work is to be performed indicates that the task is being performed by an employee. If the person doing the labor controls the time and manner in which the work is to be done this may indicate that the task is being done by an independent contractor. If an individual is truly independent, the individual generally works under his/her own operating permit, contract or authority.

Character of Work Is the Same as Employer- Work being done that is consistent with the primary work performed by the hiring business indicates that the labor is being done by an employee. Work done by a person that is different than the primary work of the hiring business may indicate the task is being performed by an independent contractor. (For example, someone installing shingles for a roofer is generally considered the employee of that roofer. Conversely, a plumber hired on a one time basis to fix a broken pipe for a retail store owner is generally considered an independent contractor.)

Method of Payment- Employees tend to be paid wages on an hourly, daily, weekly, or monthly basis. Naturally, employment is indicated if the hiring business withholds taxes and/or provides other employee benefits (Unemployment Insurance, health insurance, pensions, FICA, etc.) Whether the labor is paid using a W2 or 1099 Form for tax purposes does not matter in determining an employer/employee relationship for workers' compensation purposes. A business paying cash to an individual for services usually indicates that the individual is an employee. Payment made for performance of the task as a whole may indicate the task is being done by an independent contractor.

Furnishing Equipment/Materials- A business providing the equipment and/or materials used by people in performing the work tends to indicate an employer-employee relationship.

Right to Hire/Fire- A business retaining the authority to hire and fire the individuals performing the work indicates an employee is performing the work. An independent contractor retains a degree of control over the time when the work is to be accomplished and is not subject to be discharged by the hiring entity because of the method he chooses to use in performing the work. Naturally, an independent contractor's services may be terminated if the services rendered do not meet contractual requirements,)

All factors may be considered and no one factor alone determines whether a person will be considered an employee under the WCL.

Identifying an Independent Contractor

2010 Construction Industry Fair Play Act

On August 27, 2010, the New York State Construction Industry Fair Play Act was signed into law (Chapter 418). This new law amended the Labor Law and the Workers' Compensation Law to establish a presumption of employment in the construction industry. The new statute took effect on October 26, 2010, and for workers' compensation purposes, applies to accidents which occur on or after that date.

The heart of the new law is Labor Law § 861-C which provides that any person performing services for a contractor is presumed to be an employee of that contractor. Contractor is broadly defined to include any sole proprietor, partnership, firm, corporation, limited liability company, association or other legal entity permitted to do business within the state who engages in construction work. Labor Law § 861-C is incorporated by specific reference into Workers' Compensation Law § 2(4). Therefore, any worker performing services for a contractor who is injured on or after October 26, 2010, will be presumed the employee of that contractor for workers' compensation purposes, subject to the independent contractor test contained in the statute.

Under the Fair Play Act, any person working in construction is presumed to be the employee of the person or business for whom he or she is working.

- a. For a person to be an independent contractor, the alleged employer must demonstrate ALL three of the following criteria:
 1. The person is free from control and direction in performing the job, both under contract and in fact,
 2. The person is performing services outside of the usual course of business for the company, and;
 3. The person is engaged in an independently established trade, occupation or business that is similar to the service s/he performs.
- b. The law also contains a 12-part test to determine when a sole proprietor, partnership, corporation or other entity will be considered a "separate business entity" from the contractor. If an entity meets ALL of the 12 statutory criteria, it will not be considered an employee of the contractor. Instead, it will be a separate business entity that is itself subject to the new law regarding its own employees. A separate business entity must:

1. be performing the service free from the direction or control over the means and manner of providing the service subject only to the right of the contractor to specify the desired result;
2. not be subject to cancellation when its work with the contractor ends;
3. have a substantial investment of capital in the entity beyond ordinary tools and equipment and a personal vehicle;
4. own the capital goods and gain the profits and bear the losses of the entity;
5. make its services available to the general public or business community on a regular basis;
6. include the services provided on a federal income tax schedule as an independent business;
7. perform the services under the entity's name;
8. obtain and pay for any required license or permit in the entity's name;
9. furnish the tools and equipment necessary to provide the service;
10. hire its own employees without contractor approval, pay the employees without reimbursement from the contractor and report the employees' income to the Internal Revenue Service;
11. have the right to perform similar services for others on whatever basis and whenever it chooses; and
12. the contractor does not represent the entity or the employees of the entity as its own employees to its customers.

Identifying Independent Contractors in Non Construction Industries

The following are factors that a judge will consider to determine whether an individual is an independent contractor, and thus not an employee:

1. Control the time and manner in which the work is to be done; and
2. Obtain a Federal Employer Identification Number from the Federal Internal Revenue Service (IRS) or have filed business or self-employment income tax returns with the IRS based on work or service performed the previous calendar year;
3. Maintain a separate business establishment from the hiring business;
4. Perform work that is different than the primary work of the hiring business and perform work for other businesses;
5. Operate under a **specific** contract, and is responsible for satisfactory performance of work and is subject to profit or loss in performing the specific work under such contract, and be in a position to succeed or fail if the business's expenses exceed income.
6. Obtain a liability insurance policy (and if appropriate, workers' compensation and disability benefits insurance policies) under its own legal business name and federal employer identification number;
7. Have recurring business liabilities and obligations;
8. If it has business cards or advertises, the materials must publicize itself, not another entity;
9. Provide all equipment and materials necessary to fulfill the contract; and
10. The individual works under his/her own operating permit, contract or authority.

Federal Employer Tax Identification Number (FEIN)

Your organization will need a Federal Employer Tax Identification Number (FEIN) which the Workers' Compensation Board's will use as the primary identification for your association. . Please note that each

organization that is a legal entity (i.e. Sole proprietorship, partnership, corporation, etc.) has its own, unique FEIN assigned to it. Sole proprietors may report their Social Security Number or obtain a FEIN for reporting purposes

If you need a FEIN, you can [apply on-line at the I.R.S. website](#). You can also obtain an application by calling the I.R.S. at 1-800-829-3676. For general information about the Internal Revenue Service, visit www.irs.gov.

Please give your FEIN # to your insurance agent/broker when obtaining or modifying your workers' compensation coverage.

If you change your legal entity type (i.e. Change from a sole proprietorship to a corporation), you will need a new FEIN for the new legal entity. Please let your insurance carrier know as soon as you change your legal entity type or add new legal entities to your business operations. Please also provide your insurance carrier with the new or additional FEIN(s).

Certificates of Insurance

Request a certificate of insurance from vendors and other parties who perform services and or supplies product to your organization. See below a sample Certificate of Insurance to assist you in directing consultants and contractors to provide evidence of insurance.

Each certificate should show the limits of insurance for all lines of insurance required. Insurance that is not preprinted into the form may be added into the blank boxes form

The certificate should show that the Resident Association, its directors, officers, managers, employees and NYCHA are additional insureds on the vendor's policies. The COI should also document that the liability policies are amended to Waive Rights of Subrogation against the Resident Association, its directors, officers, managers, employees and NYCHA.

Attachment T

TRAVEL REIMBURSEMENT FORM		NEW YORK CITY HOUSING AUTHORITY		
THIS FORM CAN ONLY BE COMPLETED WITH A PREVIOUSLY APPROVED TRAVEL AUTHORIZATION FORM (NYCHA 002.002)				
PURPOSE		LOCATION		DATE
DATE OF EXPENDITURE	DESCRIPTION / REASON(S)	AMOUNT		TRAVEL COORDINATOR ADJUSTMENTS
TOTAL		\$0.00	\$0.00	
To avoid any unnecessary rejections refer to Allowances for Travel and Other Related Expenses (SP002492) Original receipts must be submitted with this form.				
ACKNOWLEDGMENT OF EXPENDITURE & RECEIPT				
I certify that I have expended the amount indicated on this voucher for the goods and services described hereon, and that these charges were incurred while conducting business for NYCHA during out of town travel.				
PRINT NAME		TITLE		
SIGNATURE		DEPARTMENT		
DGM APPROVAL *				
_____			_____	
<i>(Print name & sign)</i>			DATE	
NYCHA TRAVEL COORDINATOR APPROVAL				
_____			_____	
<i>(Print name & sign)</i>			DATE	
AP APPROVAL				
_____			_____	
<i>(Print name & sign)</i>			DATE	

* DGM Finance approval is required when travel expenses exceed \$1,000.



NYCHA 121.004C (2/11/11) v1

TIPS FOR SUBMITTING TPA FAMILY DAY RECEIPTS TO NYCHA

SUBMITTING RECEIPTS

- RAs must make a copy of all receipts for the RA files before submitting originals to the TPA Unit
- Receipts must be taped to blank sheet of letter-sized (8.5" x 11") paper for submission to NYCHA, unless the receipt itself is letter-sized. Do not cut receipts to fit them on the paper.
- RAs must make an appointment in advance to hand-deliver receipts to the TPA Unit and review the receipts with staff. TPA staff will not review receipts with RAs without an appointment.
- Receipts from different funding sources must be submitted separately to the appropriate NYCHA staff. For example, if an RA received both TPA and City Council funds for its Family Day, separate receipt packages must be submitted for each or the receipts will be returned to the RA.

REFUNDS TO NYCHA

- All refunds must be in the form of a check or money order made out to NYCHA or the New York City Housing Authority and signed and dated by the RA. Only if amounts owed are less than \$5.00 may cash be submitted.

SALES TAX

- NYCHA does not include amounts expended on New York State sales tax in reconciling receipts submitted. Therefore, RAs should not include New York State sales tax in calculations for totaling receipts that are submitted.
- RAs with tax exempt status should provide their organization's tax exempt letters to vendors when making purchases.

GRATUITIES

- Gratuities or tips given to vendors will not be accepted for reconciliation. Gratuities or tips are an out-of-pocket cost for the RA.

RECEIPT REQUIREMENTS

- To be considered valid, a receipt must have the following information
 - Vendor name and address
 - List of items purchased
 - Date of purchase

(Note: RA may write items purchased on store receipts that are not itemized, such as those issued by 99 cent stores)

- Receipts for street closing or other types of city permits must show the amount of the payment.
- Receipts for purchases **after** the event date will not be accepted unless there is a reasonable explanation. The issue date of the receipt must fall within a reasonable time period before the event.

Attachment U

- Receipts for services provided by private individuals assisting with the Family Day (cooks, clean up, etc.) must describe the service and be signed by the individual being paid as well as the RA. NYCHA strongly encourages that RAs use volunteer resources for the provision of Family Day services.

ADDITIONAL EXAMPLES OF ALLOWABLE EXPENSES & RECEIPTS

- Check cashing fee for Family Day check.
- Gas , toll and cab/car services receipts for shopping for Family Day events .
- Membership fees for discount stores such as BJ's and Costco.
- Delivery charges.
- Restaurant menus with items ordered checked off and a cost total will be accepted as receipts.

RECEIPTS AND NON-RECEIPT DOCUMENTS THAT WILL NOT BE ACCEPTED

- Receipts for unallowable TPA activities, e.g. entertainment (carnival activities, DJs, musicians, toys, etc.), alcohol, etc.
- Receipts for items not related to a Family Day event, including items purchased for personal use.
- Receipts that are faded or unreadable.
- Receipts that do not meet the Receipt Requirements listed above.
- Quotes or estimates are not receipts.
- Documents acknowledging donations received by the RA from political offices, religious organizations or other local groups are not receipts and will not be accepted as receipts by NYCHA.
- Receipts showing payments using Food Stamps or EBT cards.
- Copies of cancelled checks or packing slips are not considered receipts. There must be an itemization of the purchases for which the check was used.
- The top part of a postal money order or other type of money order -- the customer receipt -- is not acceptable **unless** it is accompanied by 1) a copy of the payment part of the same money order showing the recipient name **and** 2) a copy of the invoice describing the service or product and cost.
- Store receipts that are not itemized.



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