

**TESTIMONY FROM NYCHA'S EXECUTIVE VICE PRESIDENT FOR COMMUNITY  
ENGAGEMENT AND PARTNERSHIPS SIDEYA SHERMAN  
NYCHA MANAGEMENT OF TENANT PARTICIPATION ACTIVITY (TPA) FUNDS  
COMMITTEE ON PUBLIC HOUSING  
MONDAY, APRIL 15, 2019 – 10:00 AM  
COMMITTEE ROOM, CITY HALL, NEW YORK, NY**

Chair Alicka Ampry-Samuel, members of the Committee on Public Housing, and other distinguished members of the City Council: good morning. I am Sideya Sherman, Executive Vice President for Community Engagement and Partnerships. Joining me today is David Pristin, Executive Vice President for External Affairs. Thank you for this opportunity to discuss our work to empower residents by helping them access and use tenant participation activity (TPA) funds. You just heard from some of our resident association leaders on their experiences accessing TPA funds, and we appreciate their feedback.

### **TPA Funds**

I'd like to first explain how TPA funding is allocated to NYCHA. TPA funds are governed by a federal regulation, 24 CFR 964.150, which stipulates how the funds are disbursed and used. In sum, HUD requires that every public housing authority (PHA) set aside a specific portion of its federal operating subsidy for resident associations (RA); these funds are designated by HUD to be used for eligible tenant participation activities that engage residents in fostering a positive living environment. As part of our operating subsidy, the funds are subject to the same financial controls as the rest of our operating subsidy, meaning that NYCHA must ensure accountability and oversight of their expenditure. These are taxpayer dollars that are intended for the public good.

Some examples of eligible tenant participation activities include RA membership-building activities, information dissemination, resource fairs, development clean-up days, educational classes and workshops, and the purchasing of office supplies. Travel for training, conferences, and seminars may be eligible as well. For example, at Tilden Houses, TPA funds supported a three-day legal conference

spending through our online system, a process that promotes accountability and oversight. Currently, nearly 80 percent of RAs who are accessing funds are using the commercial card. I'd now like to show you a brief video on our work to promote use of the card.

- We created – and posted online – tip sheets on topics such as travel, budgeting, and accessing funds to help residents make the best use of TPA funds.
- We also posted online quarterly budget reports that list the TPA funds spent and available by development, so that RAs, residents, and the public have full visibility on spending.

### **The TPA Funding Process**

Let me take a moment to give you an overview of the TPA funding process. HUD requires a written agreement between PHAs and RAs on the use of TPA funds. HUD also directs PHAs to provide residents with guidance on their use and the process. As I mentioned, we updated our guidebook to make the process clearer for residents.

To access the funds, RAs submit spending plans on an annual basis. They submit separate proposals to determine eligibility for activities. TPA funds should benefit all residents; RAs should endeavor to include as many people in the activities as possible, as required by HUD's regulations. Again, all of this information is available online, and my office is always happy to answer questions or assist with these processes.

Last year, we processed over 1,500 TPA spending proposals. Our staff provides technical assistance to RAs to make sure expenses are eligible and to help with procurement issues. Each RA can also get support from one of NYCHA's 15 local Resident Engagement Coordinators, in addition to support from the central office

community members to engage their fellow seniors on health, safety, and educational projects. Thanks to support from the City Council and CUNY, our Resident Leadership Academy is helping established and aspiring resident leaders take a more active civic role in their community, including at their resident associations, through training and the cultivation of leadership skills – while earning college credits.

These are just a few examples – our team supports a host of other initiatives across the Authority that help create safe, clean, and connected communities, from services for seniors to entrepreneurship programs.

## **Conclusion**

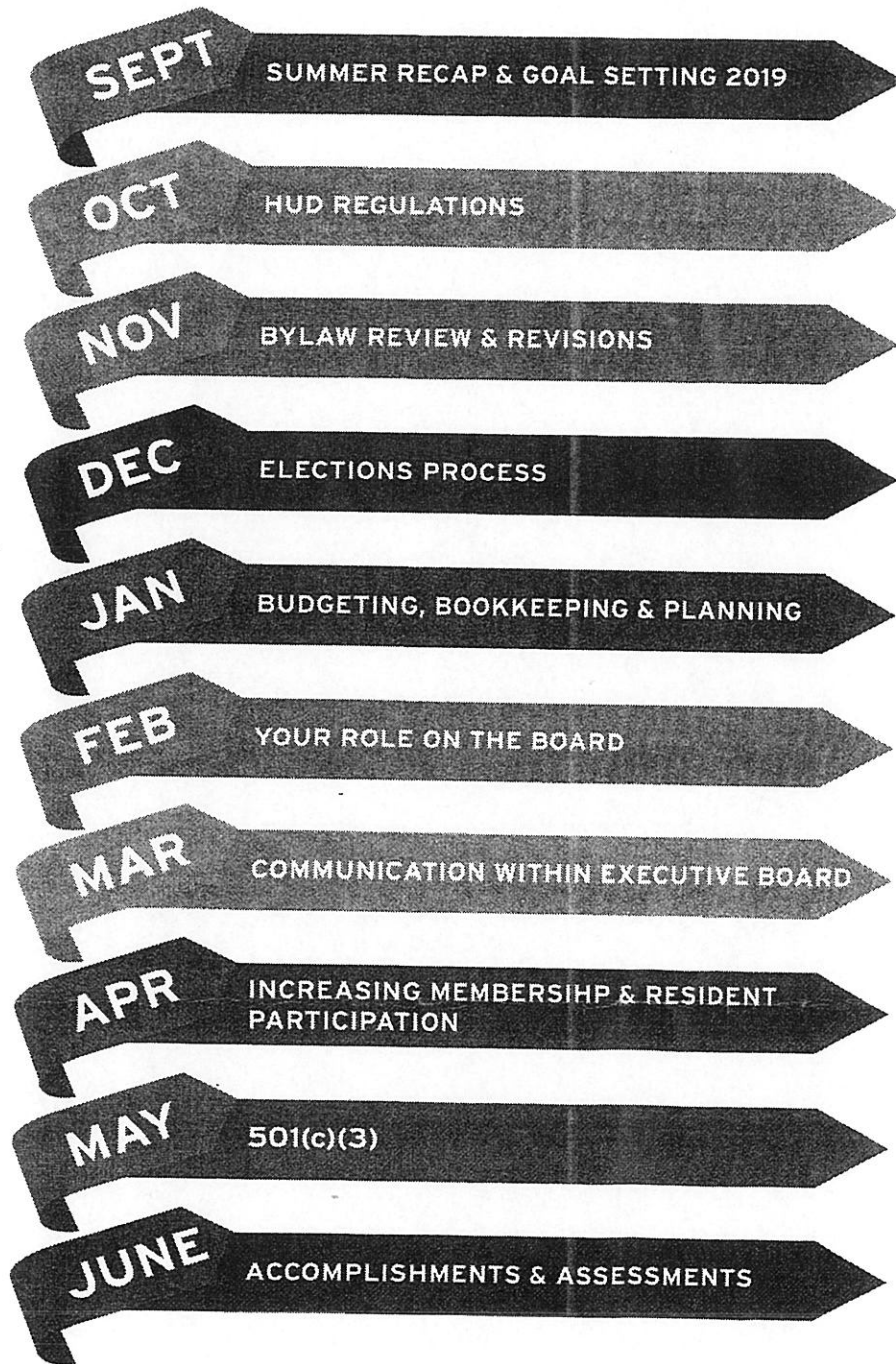
TPA funds provide financial support to engage residents, bolstering NYCHA's work to foster civically engaged New Yorkers. TPA funds can be a powerful tool to improve resident quality of life. They're most effective when all residents are at the table and engaged. In our work with resident associations across the city, we've seen their impact, and there's potential for even more. We welcome the Council's feedback and partnership in working with the community so that more residents can help make a difference through the use of TPA funds.

Thank you. We are happy to answer any questions you may have.

FOR THE RECORD

# NYCHA RESIDENT ASSOCIATION CLUSTER MEETINGS

Please join us as we kick off the  
2018-2019 Resident Association Cluster Meeting  
Leadership Development Series



- Zone 1: Alina Williams (718) 707-5419
- Zone 2: Gordon Jones (718) 707-5421
- Zone 3: Baffour Adjei (718) 707-5471
- Zone 4: Amarilys Roman (718) 707-5444
- Zones 5/6: Tanya Morris (718) 707-5348
- Zone 7: Jacqueline Howard (718) 707-5932
- Zones 5/8: Nathalie Montas-Pitts (718) 707-5339
- Zone 9: Nadia Donaldson (718) 707-5351
- Zone 10: Deneisha Wheeler (718) 707-5922
- Zone 11: Argentina Melo (718) 707-5482
- Zone 12: Javalin Sybliss (718) 707-5357
- Zone 13: Lakisha Smith (718) 707-5430
- Zone 14: Adrianne Curry (718) 707-5358
- Zone 15: Kimyatta Madry (718) 707-5418

Please contact your Resident Engagement Coordinator for your development's cluster meeting date, time and location.

Cluster meetings are open to all NYCHA Resident Association Board Members.  
\*Please note that workshops are subject to change.

## FOR THE RECORD

# **Bronx South District Council of Presidents INC.**

C/O 765 Courtlandt Ave Bronx NY 10451

Telephone (347)219-9350 Email: d.barber156@gmail.com

April 12, 2019

Chairwoman Alicka Amprey-Samuels NYCHA Public Housing Committee  
Chairman Ritchie Torres Investigation and Oversight Committee

We the Bronx South District Council of Presidents submit this Position Paper on TPA (Tenant Participation Funds for your consideration. We have come together as a District to submit this request for immediate assistance and to have you help cease the current process which the Resident Leadership has for some time now been requisition and stating that we are being treated unfairly.

For Example we have been told many things by the TPA Unit only to have them changed before it is even allowed to set in. These changes were made, but the Residents Leadership was not included in the process

### **THIS IS A TOTAL VIOATION OF THE 24 CFR 964 HUD REGULATIONS.**

1. HUD provide 25 dollars per dwelling unit and NYCHA takes 10 dollars of the 25 dollars (which is 40 Percent) of the Allocation and the Development is supposed to be Allocated 15 dollars per dwelling unit, but only receives 11.98 cents per unit.

**1A.** NYCHA Invented Cluster Meetings throughout the, although the idea was good, The meetings have caused confusion and mistrust amongst the RA Presidents and their Board Members, which seem to cause a divide and conquer atmosphere.

We have many concerns as to what kinds of messages are being transmitted to our board members.

**1B.** NYCHA has zone coordinators that are overseeing the cluster meetings, but they are not as knowledgeable in the training that they are providing to Presidents and Boards Members.

**2. NYCHA No longer allows us to use their Tax exempt Certification for purchases made with TPA Funds. But in the same breathe, we are told if taxes apply on the purchases, then we must pay for them from our own pockets.**

3. One of the duties of the Residents Engagement Department is to oversee the Election Process, but now they are taking over the Process completely. Any Resident Association that had their Election without the Residents Engagement department's new rules had their recognition remove and voided.

NYCHA has only one Role and that is as an Observer.

Residents Association is supposed to be Autonomous from control of the Housing Authority under the Federal REGS but the Resident Engagement Department doesn't seem to understand this.

Definition of *autonomous*

**1a:** having the right or power of self-government

4. NYCHA has demanded that we all must open a bank account or we will not receive any TPA Funds. Several Associations have had their accounts closed because they do not have the funds to pay the bank fees, late charges, or interest to keep the account opened.

We are told the bank fees must come out of our pockets and we must spend all of the money allocated to us or we will have to return the unspent funds along with the receipts to NYCHA.

Now they are pushing us to get the 501c3 Tax Exempt Certification so we can ask other sources for funds, which they will control. Again some Residents Association does not have enough money nor do they have an accurate account of what is in their TPA Allocated Fund from HUD.

5. When the Resident Engagement Department TPA Unit introduced their version of the TPA Guide, it had false information and had to be revised several times. As pursuant to 24 cfr 964.150 Part 3 Section 2 Pursuant to 913.106 Stipends are not to be construed as salaries and should not be included in income for calculations of Rents and are not subjected to conflict of interest requirements. **(Example: That stipends would be added to your Annual Income and the Regulation states that it is not to be added).**

6. The TPA Guide book states that we must submit a yearly spending plan but we do not understand why? We are required to submit a yearly budget of our developments proposed spending plan or an adjusted spending plan and then we are requested to submit quarterly Proposals of the same proposed spending plan **only to be faced with service interruptions due to the delay in Payment and shortage of staff.**

7. The TPA process of selecting a vendor is a Conflict of interest on NYCHA's Part because we are forced as the Resident Association's to choose a vendor that NYCHA has selected. We are not allowed to choose our vendors. As well as NYCHA not being open and informative to the Resident leadership as to why a specific vendor can no longer be used.

8. With the Commercial Card there are several issues:

A.) With Out of Town Travel Resident leaders are giving a Per Diem that is uploaded to the commercial card as well as any other funding requested by the Association, **but if the funds are not utilized NYCHA takes said funds back from the Association.** There is no accountability or real record of the true funding that that particular development has. Also, when NYCHA states that the funds are on the card, when we reach the destination the funds are not available and the Resident Leaders end up using their own funds. With the out of town travel Commercial cards cannot be used to order Lift , Uber and other Car services and the metered car services charge more than Uber or lift etc. Not all Car services not equipped with card readers.

B.) The Process of the commercial card is Flawed and needs to be revised with Total Resident leadership input **Pursuant to 24 cfr 964.135-150**

C.) With the Commercial card, there are issues when the Resident Leaders attempt to use it various vendors because the card does not have the Resident Leaders name attached to the card only the Associations name. Which in some places prevent the resident leadership from using the card because lack of identification. If the Commercial Card system isn't working, why is NYCHA forcing Resident Leaders to obtain the Card or lose your funding?

**D.) Resident leadership hasn't had an intensive training on the process of uploading receipts for reconciliation. This process is not informative and needs to be more of a hand on approach to assure that everyone is properly informed of the process and the way that the procedure works. Because this lack of Training we are being faced with many of our leaders who aren't computer literate and are facing issues with the current process. The Commercial cards are way beyond most Resident leaders' ability to upkeep. Resident Engagement is paying a huge contract fee to JP Morgan Chase to track these expenditures. The Residents Leaders are the ones who are being forced to try and do accounting 101 to submit/and upload receipts in their Smart Data System within a 72 hour window. How is this be possible when there has been no training on this System to help the Residents Leaders, its only benefit is to NYCHA. **By June 1, 2019 NYCHA want the remainder of RA Leaders to take the commercial cards or we will no longer be able to use TPA funds.****

9. Resident Leaders submit proposals for conferences to get reservations in a timely manner, and at a lower cost but there is always an issue in getting these reservations due to the delayed process of NYCHA's Travel unit, which results in them paying a higher dollar amount.

10. The Housing Authority has made many changes with the lack of Participation of the Resident Leadership. They have removed the prior staff that was well versed in TPA Procedure and the workings of the process, leaving the Resident Leaders to be misled and given false information.

11. The Total Disrespect and lack of Communication from the Resident Engagement Department and its Supervisors is totally outright and disrespectful along with a lack of communication and their Non Responsiveness of this department needs to change ASAP.

12. We have been asking NYCHA for the total and full accounting of TPA funding. But, NYCHA has not been able to provide such information. Meaning, that NYCHA doesn't have an accurate account of these records. To this date they still do not have a true account of what is in each TPA funding account. Especially now after they restructured all the TPA accounts.

**In addition: NYCHA has decided to put the developments allocations of TPA funds on their website creating a hazardous and harmful condition for Resident Leaders. This will cause people to assume that the Residents Leaders actually have these funds readily available to use at their discretion. This definitely causes separation and resentment from the residents and concern by the Resident Leaders. The Resident Leaders have repeatedly stated that this poses a serious problem.**

Sincerely:

The South Bronx Council of Presidents



NEW YORK CITY HOUSING AUTHORITY  
250 BROADWAY • NEW YORK, NY 10007

TEL: (212) 306-3000 • <http://nyc.gov/nycha>

FOR THE RECORD

KATHRYN GARCIA  
INTERIM CHAIR & CHIEF EXECUTIVE OFFICER

April 1, 2019

Dear Resident Association President:

In January, we communicated the Resident Association's 2019 Funds Available. NYCHA has completed the close out process and rolled over the Association's available funds. Below is a summary of the total funds available to your Resident Association to spend on Tenant Participation eligible activities.

#### **2019 Total Funds Available**

If you have not already submitted your 2019 Annual Spending Plan, please do so. If you would like to amend your previously submitted spending plan, you may do so as well. You may access the following link for the TPA guidebook and forms to assist in your planning:

<http://www1.nyc.gov/site/nycha/residents/nycha-tpa.page>

#### **Commercial Credit Card**

In May 2017, when we launched the reformed TPA process it was with a commercial card option. I am pleased to report that the pilot was successful and 78% of RAs are accessing TPA funds currently utilizing the commercial credit card. By June 1, 2019 NYCHA will no longer procure small purchases or travel under \$5,000 and we will implement 100% utilization of the commercial card. NYCHA will continue to procure consultant payments and purchases over



\$5,000. We will continue to process stipend payment and travel per diems. Additionally, we will eliminate the need for individual proposal submissions for refreshments, cable/ telephone/ internet service and local transportation. The amount indicated in the RA's approved Annual Spending Plan will be increased on the RA's credit line. The quarterly reconciliation process will remain the same.

In the coming weeks, we will communicate commercial card training dates in preparation to transition the remaining 22% of our RAs not currently using the credit card.

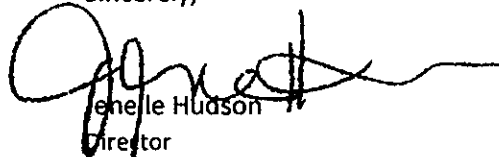
**Resident Association Resource List: City Certified M/WBE firms**

One of our most frequent requests from resident leaders is to provide a listing of vendors to do business with. I am pleased to announce that we have worked with our partners in the NYC Department of Small Business Services and extracted a list of City Certified M/WBE companies that provide services like the types of services sought by RA leaders. Please see the attached list for your reference. We have also posted it on our TPA page on NYCHA's website. If you would like to access the full list of City Certified M/WBE firms, please visit:

<http://mtprawvwsbswtp1-1.nyc.gov/>

Should you have any questions or require assistance, please contact your Resident Engagement Coordinator.

Sincerely,



Genevieve Hudson  
Director  
Resident Engagement Department

C: Financial Planning & Analysis  
RE Coordinator  
File

Testimony of Lilithe L. Lozano  
before  
New York City Housing Authority  
Public Hearing on  
NYCHA ADMINISTRATION OF TPA  
April 3, 2019

## Testimony of Lilithe L. Lozano

Good afternoon. My name is Lilithe Lozano. I come before you today in three capacities: as Treasurer of the Citywide Council of Presidents, Inc. (CCOP); as President and Chair of the Bronx North Association of Resident Councils, Inc.; and finally, as president of the Parkside resident Council, Inc.

Given the amount of time available to me, I will summarize the points that go to the heart of our position:

1. I applaud the rumor that NYCHA's TPA funds will be forensically audited but it must be said that any audit must go back to the beginning of TPA distribution and must include both the 60% given to resident associations and the 40% held back by NYCHA.
2. The failure of NYCHA to negotiate an MOU with CCOP rests on the shoulders of resident engagement and the community engagement division and this failure is in direct violation of the 964 regulations.
3. NYCHA attempted to subvert the good faith negotiating process with CCOP by imposing MOUs on individual resident associations under the implied threat that failure to sign what was presented would result in denied access to TPA funds. None of these MOUs were negotiated; they were imposed.
4. NYCHA reversed a process in place for decades that gave a meaningful role to CCOP and DCOP in the approval of TPA requests and unilaterally determined that NYCHA should serve as the only approval authority for TPA requests. This was done to diminish the roles of CCOP and DCOP and done to impose the arbitrary will of NYCHA on the legitimate desires of resident associations.
5. NYCHA further subverted the role of CCOP and DCOP by unilaterally deciding that resident associations could opt out of contributing to the budget of their district in order to deprive the districts of the fiscal capacity to engage in district-wide training.
6. NYCHA, in addition to failing to negotiate in good faith, adopted "TPA Guidelines" unilaterally and treats them, not as guidelines, but as mandatory regulations binding on associations while avoiding both the regulatory and the

procurement process.

7. NYCHA violates 964 and NY law by taking the position that they have the power to determine the content of organizational bylaws. NYCHA takes the position that if bylaws are not certified by NYCHA then they cannot be used and TPA money can therefore be withheld. The word certify does not exist in the 964 regulations.
8. NYCHA violates 964 by arbitrarily regulating the electoral process of not-for-profit resident associations and refusing the “certify” elections not conducted in the manner dictated by NYCHA and then withholding TPA funds for lack of certification. Again, I repeat the word certify does not exist in the 964 regulations.
9. NYCHA violates HUD procurement policy by arbitrarily denying (“blackballing”) certain vendors who provide training aimed at empowering resident leadership.
10. NYCHA violates HUD procurement policy by arbitrarily denying certain types of programs authorized by 964 and chosen by association leaders on arbitrary and specious grounds.
11. NYCHA has violated HUD and NYC procurement regulations by artificially imposing a \$5,000 micro-purchase requirement on resident associations, thereby requiring all bids in excess of \$5,000 to have three bids while the threshold for NYC is \$20,000 and the federal threshold is even higher.

###

Resident Council and Tenant Participation Funds

NOTES ON KEY PROVISIONS OF 24 CFR § 964 REGULATIONS

Subpart A: General Provisions

§ 964.7—Definitions

Notable language:

**Resident management:** The performance of one or more management activities for one or more projects by a resident management corporation under a management contract with the HA.

**Resident management corporation:** An entity that proposes to enter into, or enters into, a contract to manage one or more management activities of a HA.

I am requesting a pilot program be set up in Red Hook and Gowanus that establishes a public private partnership in standardizing resident engagement in regards to modernization and repairs and understanding NYCHA's mission and operations.

Funding for tenant empowerment workshops on healthy indoor environments, mold, lead, heating distribution and general building sciences has been sitting unspent inside of TPA funds for at least 15 to 20 years.

NYCHA has just began to post quarterly reports showing how much each development has to spend from the current allocation before they can touch the 10 years of monies that are being held in a special account.

As an organizer I have tracked the funding in several developments and it continues to go unspent which means the tenants are not being equitably educated about basic operations or any other changes not limited to but including infill, RAD and NYCHA 2.0

§ 964.11—HUD Policy on tenant participation

Notable language:

States a general policy that HUD promotes "resident participation the active involvement of residents in all aspects of a HA's overall mission and operation."

Tenants have been subjected to Resident Councils ran for decades as dictatorships endorsed by NYCHA through lack of by-law enforcement.

Resident Council meetings are always attended by the police department and the manager and maintenance supervisor. Per HUD foresight and regulation this is a civil rights violation that oftentimes leads to intimidation for me and residents like me for asking valid questions regarding money, jobs and other issues of concern.

If an audit were done on the treasurers on these resident councils you will find that many of them don't know now and never knew what if any money was in the account. Are their signatures being falsified.

**KAREN BLONDEL ORGANIZER FOR PUBLIC HOUSING RESIDENTS IN SOUTH BROOKLYN  
KBLONDEL63@GMAIL.COM**

How are these things happening and not being checked? I was here on June 20 2017 when NYCHA reported it did not know where 5 million dollars in TPA funds has gone.? It is 2 years later do we know now?

Back in February 2018 I noticed my Resident Council had spent approximately 25,000 dollars. I sent an email asking what was the money spent on and I received a response saying why did I want to know. I am still trying to get that answer.

Many resident councils have non profit 501c3 statuses which enable them to received additional money via grants and charitable organizations that are never accounted for or used for resident engagement or improvements. The IRS states most of these entities dont fit the criterior for a charitable organization yet they are still allowed to conduct business as 591c3s. Why?

I could go on and on but instead I became a professional organizer for and in public housing and here are samples of the workshops we provide through a very small advocacy and outreach budget in South Brooklyn.

§ 964.16(b) gives HUD clear legal authority to step in and hold NYCHA accountable when resident councils aren't functioning properly and election procedures are not being followed.

It is our belief that the federal monitor will further address this grievance.

RECOMMENDATION:

ALL RESIDENT COUNCILS MUST HAVE 2 TERM LIMITS, THEN STEP DOWN BEFORE RUNNING AGAIN IN sync with registered bylaws displayed for CCOP BOARD BUT UNENFORCED.

ALL OCCUPIED HOUSEHOLDS SHOULD RECEIVE A RESIDENT COUNCIL MEMBERSHIP CARD COVERING JANUARY 1ST THROUGH DECEMBER 31ST OF EACH YEAR.

RESIDENT COUNCILS SHOULD BE REQUIRED TO SUBMIT ORIGINAL ATTENDANCE SHEET SHOWING MEMBERSHIP ATTENDANCE ONLY. THIS IS STANDARD NON PROFIT TRACKING AND QUALITY ASSURANCE PRACTICES

POLICE AND MANAGEMENT AGENTS SHOULD BE REQUIRED TO SIGN IN EACH TIME AND HAVE AN AGENDA ITEM. THEY ATTEND AND THE MINUTES SHOULD BE REVIEWED TO DETERMINE IF THE MEMBERSHIP INVITED THE AFOREMENTIONED.

ACCOUNTABILITY REGARDING QUORUM MUST BE MET AND ENFORCED.

MINUTES MUST BE DISTRIBUTED AND READ BACK EACH MEETING. HOW WOULD YOU KNOW THAT THE ANNUAL PLAN AND OTHER ISSUES ARE BEING DISCUSSED AS OUTLINED BY HUD?

TENANT RIGHTS AND PROTECTIONS MUST BE ESTABLISHED AND ENFORCED.

RESIDENT COUNCILS MUST SHOW PROOF OF CAPACITY BUILDING AND COMMITTEES LIKE THE MODERNIZATION AND REPAIR COMMITTEES MUST BE FORMED AT EACH DEVELOPMENT.

EACH DEVELOPMENT SHOULD PURCHASE TRANSLATION EQUIPMENT AND PROVIDE AT LEAST SPANISH TRANSLATION SERVICES AT THE GENERAL MEETINGS. IF A DEVELOPMENT HAS RESIDENTS WHO SPEAK OTHER LANGUAGES ADDITIONAL TRANSLATORS SHOULD BE PROVIDED OR COMPENSATED

EACH ELECTED BOARD MEMBER SHOULD HAVE TO SIGN IN AT EACH MEMBERSHIP MEETING.

SHOW PROOF VIA ATTENDANCE SHEET AND AGENDA THAT BOARD MEETS EACH MONTH.

Because of the systemic mismanagement of resident participation and engagement by NYCHA and RCs we the residents are demanding NYCHA relinquish control over the management and that the residents take over this portion of management through the formation of a public private partnership to create a standardized resident council.

This is further encouraged in HUD 964.11

Rights of Normal Public Housing Residents vs. Rights of Resident Council Board Members

In § 964.11 and elsewhere, the regulations talk about involving both normal residents and duly-elected members of a resident council.

Most of the resident participation language only focuses on resident councils and their elected officers.

Below, I try to highlight each time the regulations provide opportunities for normal public housing residents to participate in management, budget processes, etc.

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§ 964.15—HUD Policy on resident management

Notable language:

"It is HUD's policy to encourage resident management. HUD encourages HAs, resident councils and resident management corporations to explore the various functions involved in management to identify opportunities for contracting with a resident management corporation."

Questions about NYCHA:

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Does NYCHA have any duly formed "resident management corporations"?

What steps has NYCHA taken to contract out management functions to a duly formed resident management corporation in regards to resident councils.

Under past leadership when complaints were made to the Regional Office including some initiated by NYCHA against Resident Councils the HUD Regional Administration has allegedly never taken action and consistently bumped the complaint down and back to NYCHA level.

§ 964.16—HUD role in activities under this part.

Notable language:

In general, leaves it up to HAs and local residents to figure out how much residents should be involved in management and other decision-making contingent upon the fact that bylaws and rules for 501c3 sre followed.

NYCHA Resident Councils are not operating efficiently and effectively and there is no enforcement to make them. Enforcement must be in place to protect tenant rights to be a republican, democrat , non gender conforming, LGBTQ or whatever they want to affiliate with.

General notes/questions:

§ 964.18—HA role in activities under subparts B & C

Notable language:



**KAREN BLONDEL ORGANIZER FOR PUBLIC HOUSING RESIDENTS IN SOUTH BROOKLYN  
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§ 964.18(a)(3): HA may consult with residents to determine extent to which residents “desire to participate” in public housing management

§ 964.18(a)(4): HA shall provide residents or any resident council with current information concerning the HA’s policies on tenant participation in management

§ 964.18(a)(8): HA shall “ensure open communication and frequent meetings between HA management and resident councils and shall encourage the formation of joint HA management-resident committees to work on issues and planning”

Where and how is this being done?

§ 964.18(a)(9): Resident council shall “hold frequent meetings with the residents to ensure that residents have input, and are aware and actively involved in HA management-resident council decisions and activities”

Resident councils hold 10 meetings maximum a year and of those at least 2 per year are cancelled or rescheduled in violation of the bylaws.

§ 964.18(a)(10): HA and resident council shall “put in writing in the form of a Memorandum of Understanding the elements of their partnership agreement and it shall be updated at least once every three (3) years”

Where is said MOU and does this supersede the bylaws that should also be updated every 3 years but were last updated 1995 in many developments.

General notes/Questions for NYCHA:

Note distinction between use of “may” and use of “shall”; NYCHA is only legally obligated to follow through on provisions with “shall”

Question about NYCHA compliance with § 964.18(a)(3): has NYCHA ever undertaken any efforts to consult with residents in order to determine their desire to participate in public housing management?

Question about NYCHA compliance with § 964.18(a)(4): does NYCHA have any written policies on tenant participation in management? Are these written policies readily available to any resident?

Question about NYCHA compliance with § 964.18(a)(8): are there any existing joint NYCHA management-resident committees working on issues and planning? Are there examples of these committees being used in other (non-NYCHA) jurisdictions?

Questions about HUD & NYCHA compliance with § 964.18(a)(9):

How do HUD and NYCHA monitor and enforce resident councils’ mandatory duty to “hold frequent meetings with residents to ensure that residents have input, and are aware and actively involved in HA management-resident council decisions and management.

Regarding designated funds.

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Provide proof and consistency in regards to "assuring maximum opportunities for skills training for public housing residents?" Why are existing funds sitting stagnant and unused for years except for in many cases the unauthorized distribution of funds to the DCOP.

Why aren't "training resources" that are eligible and that could benefit residents not being planned and executed for "local public housing residents that ensures maximum benefit and on-going access for the public housing residents"?

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The role of resident council.

Notable language:

"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" (emphasis added)

§ 964.115—Resident council requirements.

Notable language:

This provision lays out the minimum requirements that a resident council must meet in order to be duly recognized by the HA, including:

§ 964.115(b): the Resident Council "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."

§ 964.115(c): the Resident Council "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 or older and whose name appears on a lease for the unit in the public housing that the resident council represents”

General Notes/Questions:

What should residents do if their resident council does not have by-laws that comply with § 964.115(b)?

Why aren't the by-laws of every NYCHA resident council publicly available? (For example, NYCHA's website provides links to the by-laws for each CCOP district at <https://www1.nyc.gov/site/nycha/residents/getting-involved-as-a-resident.page>. But NYCHA does not do the same for each Resident Council.)

§ 964.117—Resident council partnerships.

Notable language:

Authorizes resident council to “form partnerships with outside organizations” but mandates “that such outside organizations do not become the governing entity of the resident council”

General Notes/Questions:

If a resident council decided to incorporate a State non-profit entity or 501(c)(3) organization, the newly incorporated entity would have to operate in strict accordance with its pre-existing by-laws, as required under § 964.115. In other words, the non-profit entity's Certificate of Incorporation and by-laws of the new entity would have to mirror the by-laws and constitution on file with NYCHA, and could not have a different governance structure. If the new entity had a different governance structure or by-laws, but acted as the governing entity of the resident council then it would run afoul of § 964.117.

§ 964.120—Resident management corporation requirements.

Notable language:

Establishes requirements for a resident management corporation to receive official recognition by the HA and HUD, including:

Must be a non-profit

May be established by more than one resident council

May serve as both resident management corporation and resident council

Where resident council already exists, the resident management corporation shall be approved by

council board AND a majority of the residents

General Notes/Questions:

Are there any existing resident management corporations within NYCHA's jurisdiction?

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Are there examples of successful resident management corporations from around the country?

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§ 964.125—Eligibility for resident council membership.

Notable language:

§ 964.125(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."

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§ 964.125(a): "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" (emphasis added)

§ 964.125(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."

§ 964.125(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."

General notes/questions:

What types of "additional criteria" for resident council membership would cross the line and "infringe on rights of other residents in the development"?

Are membership dues allowed? When would membership dues be deemed prohibitively expensive such that they "infringe on rights of other residents"?

How would HUD or NYCHA respond to information that a resident council is being operated in a manner that results in arbitrary or capricious denial of membership to certain individuals (despite the by-laws being valid and without any improper or discriminatory criteria)?

§ 964.130—Election procedures and standards.

Notable language:

"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” (emphasis added).

§ 964.130(a): states that resident councils shall “adhere to the following minimum standards regarding election procedures:”

§ 964.130(a)(1): “fair and frequent elections of resident council members - at least once every three years for each member”

§ 964.130(a)(2): “Staggered terms for resident council governing board members and term limits shall be discretionary with the resident council.”

§ 964.130(a)(3): “Each resident council shall adopt and issue election and recall procedures in their by-laws.”

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

§ 964.130(a)(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” (emphasis added)

§ 964.130(b): gives HUD extremely strong enforcement powers 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”

If the resident council fails to comply with either HUD or its own procedures, “HUD shall require the HA to withdraw recognition of the resident council and to withhold resident services funds as provided in conjunction with services rendered for resident participation in public housing”

§ 964.130(c): also requires HAs to be involved in election process

“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” (emphasis added)

General notes/Questions about NYCHA’s compliance:

Note that the regulation is written in a way that strongly suggests resident council elections must be monitored by both the HA and an independent third-party

Every HA must monitor elections pursuant to § 964.130(c); this is separate from and additional the requirement that there be “an independent third-party to oversee elections and recall procedures”

The existence of these two separate requirements strongly suggests that HAs cannot satisfy the “independent third-party” requirement

Questions about compliance:

Has HUD (either Region 2, or elsewhere in the country) ever exercised its powers under § 964.130(b)? If so, where, when, and under what circumstances?

How do NYCHA and HUD monitor/enforce the requirement that resident councils “use an independent third-party to oversee election and recall procedures”?

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What are some of examples of an “independent third-party” that has been used by a resident council within NYCHA’s jurisdiction?

Does NYCHA have to approve of the “independent third-party” used to oversee elections?

How can residents submit complaints to NYCHA and/or HUD about a resident council’s failure to satisfy HUD minimum standards?

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§ 964.135—Resident involvement in HA management operations.

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Notable language:

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

§ 964.135(a): provides that Resident Management Corporations may contract with HAs to perform one or more management functions providing they have expertise and meet other requirements

§ 964.135(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” (emphasis added)

§ 964.135(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.”

§ 964.135(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” (emphasis added)

§ 964.135(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” (emphasis added)

General notes/Questions about NYCHA’s compliance:

Unlike other provisions, many of the tenant participation opportunities provided at § 964.135 are open to “other interested residents,” and are not limited to resident council officers

**KAREN BLONDEL ORGANIZER FOR PUBLIC HOUSING RESIDENTS IN SOUTH BROOKLYN  
KBLONDEL63@GMAIL.COM**

Questions about NYCHA's compliance:

What steps has NYCHA taken to comply with § 964.135(e) and (f), which require the Housing Authority to involve interested residents in "all phases of the budgetary process" and to train interested residents "in developing and implementing Federal programs"?

What role does HUD play in monitoring and ensuring NYCHA's compliance with § 964.135?

§ 964.150—Funding tenant participation.

Notable language:

Good morning my name is Darold Burgess. I am the Resident Leader for the Raymond V. Ingersoll Houses. Funding for Tenant Participation is provided by the US department of Housing and Urban Development to NYCHA.

Proposed activity or expenditure must meet TPA eligibility criteria and proposal submission must have all of the required supporting documents to avoid approval and process delay. The Commercial Credit Card was introduced to Ingersoll and it has become easy to use and lets you integrate the commercial card data into an accounting system. the smart data provides a work flow based expense management solution which enables us to better administer expenses. It's an intelligent management tool for optimizing business spending with user ids, passwords and security controlled questions, it helps access our organizations information.

Upon submittal of TPA proposals, we receive a response within 10 business days. We follow the TPA Guidebook, Funding Agreement Template and Annual Spending Plan. The funds may be used at the citywide district or local levels in collaboration with residents and NYCHA. Once a purchase is made, we scan the receipts into the smart data, where they are uploaded, reviewed and saved.

Through this process, Resident Associations have access to utilizing these funds for the benefit of NYCHA residents and communities. Our Resident Engagement Coordinator is always available for any assistance.

Darold Burgess  
President Ingersoll  
Resident Association  
16 Fleet Walk #1D  
Brooklyn, NY 11201  
347-595-2643



Good afternoon:

I am President of PS 139 Conversion, a senior building in Central Harlem.

I am here today to voice my concern about the new commercial card that we are now using in NYCHA for TPA.

To begin:

1. I don't like the new system because it is hard to use. It's just not "Friendly to Seniors!"
2. When I shop with the card that's okay instead of someone else shopping for me, but
3. Once you get the card, if you don't use it in a certain amount of time or forget to write down your password then you must try to get in contact with the NYCHA Commercial Card staff and they are not quick to respond.
4. When I must turn in the receipts this is very difficult because I do NOT know how to use the computer well enough to do this even though I've taken some computer classes
5. Instead of NYCHA taking the receipts from us we must scan then save them
6. I don't understand how to scan and must seek help each time for my proposal and receipts
7. NYCHA says that we must scan them in within 5 days and sometimes I have no help to do this and then I'm locked out and have trouble getting back in
8. In order to turn in our receipts, there is a long process that has almost 12 steps and I have tried to understand how to do this, but it is hard!

In conclusion, I will say again that this new system is hard to use especially for us seniors. There should be a choice of which way we place our orders and not be forced to do it a new way. This is a system that we don't know since this is not what our generation grew up on. We only use the computers for family and fun things. This is what a paid person used to do at NYCHA and now we are doing it for free.

April 15, 2018

TESTIMONY

Committee on Public Housing

RE: Oversight-NYCHA Management of Tenant Participation Activity (TPA) Funds

Good afternoon Chair Samuel & Honorable Councilmembers

My name is Diana Blackwell and I'm President of Fred Samuel (City) development.

I'm here to testify to what I consider a failed system for NYCHA's TPA when using the commercial card and the digitized proposal for funds request.

Being that my nature is progressive, I believed that I was one of the first resident leaders to sign on in agreement to the use the commercial card. I believed that this card would be an asset to the leaders being that we could purchase our own products in a timely manner while providing each leader with a slight saving in our budget. This proved not to be true in every case.

The proposal process with its new form proved to be a failure also. Being digitized should have made it a simpler process. It did not. Mistakes were made on the form, new instructions were added, but the form was not updated or corrected to reflect these items. At cluster meetings these adjustments were spoken of, but nothing happened. This process takes up to 10 business days while going through multiple hands and can be delayed even longer if a mistake is made and/or one person is out and there is no coverage.

Furthermore, since the last postponement of this hearing, NYCHA's Resident Engagement was able to add on to the handbook. There are new tip sheets, additional instructions and our updated budget for the development.

As for me, I have a personal grievance, (which I may seek legal assistance if not corrected soon) that after following the rules and submitting my "per diem" request for a September conference, I never received it. I tried, unsuccessfully for weeks to conclude this matter with Resident Engagement, but to no avail. We are still waiting for our reimbursement. Today, in the new tips sheet, they now state that this will be one of the items that NYCHA will still handle with a note that it may take longer to process—but 6 months!

There is much more, but I must conclude at this time. I'm willing to answer any questions to the best of my ability if needed.

Thank you for listening

April 15, 2018

TESTIMONY

Committee on Public Housing

RE: Oversight-NYCHA Management of Tenant Participation Activity (TPA) Funds

4/15/19

# NOTES

Good day City Council  
Chair of the housing Committee  
and a special hello to Ms.  
Kathryn Garcia, Interim chair  
of the NYCHA. My name is Crystal Moore.

I found out about tenant  
Participation activitive funds back  
in <sup>Nov. of</sup> 2011. I was just elected for pres.  
Washington Hs Resident Association.  
That which was called Community  
operations then, is now called Resident  
engagement. They didn't share T.P.A.  
fund info. with me. I found out  
about it while in a conversation  
with a consultant from Share for  
life in 2012.  
↓ program

from that point forward, my board  
and I started going to leadership  
Conferences, meeting with organizations  
like the national low income housing

# NOTES

coalition (NIIHC) and <sup>the</sup> National alliance of resident services (NARSAAH) in affordable and assisted housing, just to name a few. We flew to different states, meeting many resident Assoc. leaders. In 2018, as part of next generation NYCHA, in partnership with the fund for public housing and CUNY, launched a Resident Leadership Academy was launched.

When NYCHA's Resident engagement asked me to become a student, I declined. I was told that the purpose of this program aims to develop current & emerging NYCHA residents' leaders knowledge and skills so they can assume leadership positions. I was told \$145,000 was spent on this program.

I said to myself, "did any of them consult the residents before creating ~~this~~ this academy to see if it was even needed."

# NOTES

Considering the hundreds of thousands of TPA funds spent on leadership conferences; why didn't they get the residents ~~op~~ opinion first. Surely that money could have been spent on Cameras for at least 1 development, the \$145,000.

Surely you'd like to know what my point is bringing all this up.

The point is residents are no better off now than we were back then. You talk about federal monitors, was anybody monitoring the progress of TPA funds to insure that residents would become self-sufficient and are becoming the leaders that they are intended to be.

The federal monitor and Lynn Paton need to visit every NYCHA development, that claims to have a resident association and conduct a open

# NOTES

meeting, not one just for the resident associations & their so call ~~members~~ <sup>members.</sup>

Many tenant leaders, for many years, have withheld info. from their residents and residents have told me that when they ask questions at monthly meetings police have ~~been~~ been called on them.

Membership is suppose to have privileges according to the by-laws. I pay my dues, I want to be included in the planning of activities at my development. Many R. leaders don't even abide by the rules of their by-laws, and because residents ~~are~~ show no enthusiasm or concern, some boards stay on for many years. Unless HUD wants to continue throwing good money away, I suggest they do what I asked. They could have these open meetings borough by borough. The unfortunate thing is that there is a changing of the

# NOTES

NYCHA Chairperson every 3 months and so forth. In the words of attorney <sup>an</sup>, "NYCHA is kicking residents' butts." And she is 100% right.

To conclude, to all the residents that have tried to make the development where they live a safer & better place to live, for all of the heartache, misunderstanding, looking the other way, lies, sleepless nights, disease, <sup>suffering</sup> and even death, Crystal Glories salute you!



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Tyrone Bg 11

Address: 230 W 129th Street

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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 in favor  in opposition

Date: 4/15/19

(PLEASE PRINT)

Name: Ciprian Noel

Address: 301 Sutter Ave Brooklyn 11212

I represent: Longston Hughes

Address: 301 Sutter Ave

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Margareth Massac

Address: 319 Beach 54th St

I represent: Oceanside

Address: Arverne NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Sideya Sherman

Address: \_\_\_\_\_

I represent: NYCHA

Address: 250 Broadway, NY NY

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THE CITY OF NEW YORK**

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Georgiana Okoroji

Address: \_\_\_\_\_

I represent: NYCHA

Address: 250 Broadway NY NY

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Appearance Card

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in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: David Pristin

Address: NYCHA, 250 Broadway, NY NY

I represent: NYCHA

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

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in favor  in opposition

Date: \_\_\_\_\_

Name: Princella J Amerson (PLEASE PRINT)

Address: 530 EAST 137th Street

I represent: Bronx South District Council of

Address: Presidents Inc.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: \_\_\_\_\_

Name: Carman Currier (PLEASE PRINT)

Address: 840 Columbus Ave

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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in favor  in opposition

Date: \_\_\_\_\_

Name: Ronald Topping (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: John Adams Houses TA President

Address: 680 Tinton

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 4/15, 1979

(PLEASE PRINT)

Name: Clara Woods Blvd.

Address: 363 Wortman ave apt 4B

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Lorraine Stevens

Address: 893 Schenck Ave Bklyn

I represent: Boulevard House T.A.

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Darold Burgess

Address: 5 Fleet Walk #9G

I represent: Ingersoll Houses (President)

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Mahfuzur Rahman

Address: 1735 Madison Ave

I represent: Senator Robert A. Taft Tenant Associations

Address: 1735 Madison Ave

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 4/15/19

(PLEASE PRINT)

Name: Karen Blonde

Address: 444 Columbia St

I represent: Myself

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Crystal Glover

Address: Washington Houses

I represent: myself

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Lilthe Lozano  
Address: 635 Arnon Ave 13F  
I represent: Bronx North District Council  
Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 4/16

(PLEASE PRINT)  
Name: Robert Hall  
Address: 740 E Gun Hill Road Bx N.Y. 10467  
I represent: North Bronx District Council of President  
vice chair  
Address: 2910 Bronx Park East

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Lisa Kenner  
Address: 422 Blake Ave  
I represent: \_\_\_\_\_  
Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: April 15-2019

(PLEASE PRINT)

Name: Audrey Clemmons

Address: 120 W 140 St

I represent: P.S. 139 Convent Ave

Address: 100 W 140 St

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. T2019 Res. No. 4035

in favor  in opposition

Date: 4/15/19

(PLEASE PRINT)

Name: Diana Blackwell

Address: 158 W. 144th St 2B NY NY 10030

I represent: Fred Samuel Apt.

Address: 103-05 W. 143rd St NY NY 10030

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Aixa Torres

Address: 7 St James Pl

I represent: Alfred E Smith RA, Inc

Address: 17 St James Pl

Please complete this card and return to the Sergeant-at-Arms