



# FAMILY INDEPENDENCE ADMINISTRATION

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## POLICY BULLETIN #07-99-OPE

*(This Policy Bulletin Replaces Policy Bulletin #07-86-OPE)*

### RECOUPMENT OF DUPLICATE RESTRICTED RENT PAID TO A PUBLIC ASSISTANCE PARTICIPANT'S LANDLORD

<p><b>Date:</b> August 15, 2007</p>	<p><b>Subtopic(s):</b> Recoupment</p>
<p> This procedure can now be accessed on the FIAweb.</p>	<p><b>Revisions to Original Policy Bulletin:</b></p> <p>This policy bulletin is being revised to include instructions on how to refer a case to the Bureau of Fraud Investigation (BFI) and a reference to <a href="#">PD #07-03-OPE</a>.</p> <p><b>Purpose:</b></p> <p>The purpose of this policy bulletin is to inform Job Center staff of the policy regarding recoupment of duplicate rent payments for a Public Assistance (PA) participant on restricted rent when s/he moves from one apartment to another and to introduce the new Claims and Collections Response form (<b>W-147FF</b>) which is used by Claims and Collections to notify the Job Center that a duplicate rent payment was recovered.</p> <p>When a participant on restricted rent payments moves from one apartment to another with a new landlord, s/he is required to notify his/her JOS/Worker at least 10 calendar days prior to the move. Failure to notify the Agency prior to the move without good cause constitutes an untimely report.</p> <p>If the Agency makes a rent payment to both the old and new landlord due to the untimely report of the move, the duplicate rent payment may be recoupable.</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?  
Call 718-557-1313 then press 2 at the prompt followed by 765 or  
send an e-mail to *FIA Call Center*

Untimely report with good cause

A recoupment is not necessary if the participant has a good cause reason for not reporting the change in a timely manner. Examples of good cause reasons include but are not limited to: domestic violence, fire, flood, Section 8 regulations or conditions beyond the control of the participant such as sickness in the family.

New information  
See [PD #07-03-OPE](#) for details regarding the referral process to BFI.

If a duplicate rent payment is made and a recoupment is required, the JOS/Worker must discuss this with his/her Supervisor. The Worker's Supervisor will then forward all available information to the Center Director's Administrative Assistant (AA) who must:

- contact the Bureau of Fraud Investigation (BFI) to inform them that the rent must be recovered from the previous landlord by:
  - calling BFI at (212) 274-5030, or
  - clicking either the [Report Fraud to BFI](#) hyperlink in the left hand column of the HRA Homepage or click the [BFI-14](#) hyperlink. Complete the Referral to Bureau of Fraud Investigation (**BFI-14**) online and press **Submit Referral**.

BFI will forward the information to Claims and Collections who will attempt to collect the duplicate payment from the previous landlord.

The JOS/Worker must:

- initiate a recoupment for the duplicate payment and prepare the PA Recoupment Data Entry Form-WMS ([LDSS-3573 NYC](#)).
  - If Claims and Collections is successful in collecting the duplicate rent payment, it will send the Job Center the **W-147FF** which outlines the participant's name, case number and amount recovered. The Worker must then delete the recoupment of the duplicate rent payment for the participant.

Untimely report

#### Example 1

On September 1, Mr. Smith decides to move to another dwelling effective October 1. He notifies his Worker at the Job Center of this change on September 24, seven (7) "calendar days" before the move. The change is processed, but as a result of the untimely report, a duplicate rent payment is made to the previous landlord.

In this case, since the participant did not provide the Job Center with his/her change of address in a timely manner, and did not have good cause for failing to notify the JOS/Worker, the Center Director's AA must contact BFI and the JOS/Worker must initiate a recoupment.

If Mr. Smith did claim good cause and the reason why he had not provided timely notice was reasonable and acceptable to the Job Center, the JOS/Worker would not initiate a recoupment against Mr. Smith's case but the Center Director's AA would still contact BFI.

**Note:** A recoupment is a reduction in the grant and as such the participant has a right to request a Fair Hearing on the validity and/or amount of the recoupment.

Timely report

If the participant reports the move in time and the Agency fails to act to prevent a duplicate rent payment from being made, a recoupment is not required. Efforts should be made, however, to retrieve the duplicate rent payment from the former landlord.

#### Example 2

On July 1, Ms. Jones decides to move to another dwelling on August 1. She notifies her Worker at the Job Center of this change on July 20, twelve (12) "calendar days" before the move. The Worker does not make the appropriate changes until after August 1 and a duplicate rent payment is made. In this case, the participant provided the Agency with sufficient time to make the necessary adjustments to her case. Therefore, any recovery of the duplicate payment is limited to the landlord of the previous apartment and not against Ms. Jones. In this case, the Center Director's AA must contact BFI as indicated on page 2 of this policy bulletin.

*Effective Immediately*

#### **Related Item:**

[PD #07-03-OPE](#)

#### **Reference:**

[07 ADM-03](#)

**Attachment:**

☞ Please use Print on Demand to obtain copies of forms.

**W-147FF** Claims and Collection Response



Date: \_\_\_\_\_  
Case Number: \_\_\_\_\_  
Case Name: \_\_\_\_\_  
Center: \_\_\_\_\_

**Claims and Collection Response**

**SAMPLE**

To: \_\_\_\_\_  
(Job Center)  
RE: \_\_\_\_\_  
(Participant's Name)  
Previous Landlord: \_\_\_\_\_  
Previous Address: \_\_\_\_\_  
\_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

The landlord listed above has cooperated with the Agency's recovery efforts.

Amount recovered from the previous landlord: \$ \_\_\_\_\_.

This amount is sufficient to satisfy the recoupment initiated on the aforementioned participant. As a result the duplicate rent recoupment dated on or about \_\_\_\_\_ should be deleted from the system.

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Authorized Signature  
Claims and Collection