



FAMILY INDEPENDENCE ADMINISTRATION
 Seth W. Diamond, Executive Deputy Commissioner




James K. Whelan, Deputy Commissioner
 Policy, Procedures, and Training

Lisa C. Fitzpatrick, Assistant Deputy Commissioner
 Office of Procedures

POLICY BULLETIN #08-58-ELI
(This PB Obsoletes PD #98-13 and is used with PD #07-28-ELI)

REMINDER TO STAFF REGARDING BROKER’S FEES

Date: June 2, 2008	Subtopic(s): Cash Assistance
<p> This procedure can now be accessed on the FIAweb.</p>	<p>The purpose of this policy bulletin is to remind staff at Job Centers of the policy regarding the issuance of broker’s fees.</p> <p>Currently, the criteria for the issuance of broker’s fees are:</p> <ul style="list-style-type: none"> • The applicant/participant must provide a separate Landlord/Managing Agent’s Statement Form (W-147M) for each brokered apartment (minimum of three potential apartments, each apartment represented by a different landlord). The W-147M is to be completed by each landlord to confirm that he/she (or his/her management agent): <ul style="list-style-type: none"> ▪ is in no way associated with the management of the agency charging the broker’s fee. ▪ will not receive any part of the broker’s fee directly or indirectly from the broker. ▪ will not rent the unit without the services of the broker. • The broker verifies the following: <ul style="list-style-type: none"> ▪ The actual rental unit has a current and effective Certificate of Occupancy issued by the New York City Department of Buildings and that no change has been made in the occupancy or use of the unit that is inconsistent with the certification. ▪ The actual rental unit has no outstanding dangerous or hazardous violations. (A violation is issued by a government agency when there is an uncorrected hazardous condition.) ▪ He/she has a current broker’s license in good standing. He/she is not the owner, controlling person or an affiliate of the owner of the actual rental unit.

HAVE QUESTIONS ABOUT THIS PROCEDURE?
 Call 718-557-1313 then press 3 at the prompt followed by 1 or
 send an e-mail to *FIA Call Center*

See [PD #07-28-ELI](#) for information on the Advantage programs.

- The amount of the broker's fee does not exceed one month's actual rent. However, issuances for the following rental assistance programs only may currently exceed this limit:
 - Work Advantage
 - Children Advantage
 - Fixed Income Advantage
 - Short-term Assistance Advantage

For these programs, staff may grant up to 15% of the total annual actual rent. For example, for an apartment that rents for \$1,050 per month, the maximum allowable broker's fee is:

$$\$1,050 \text{ (monthly rent)} \times 12 \text{ (months per year)} \times 0.15 = \$1,890$$

The maximum allowable broker's fee for all other cases remains one month's actual rent.

- For broker's fee payments by voucher, the Broker's Fee Voucher Form (**W-147P**) must be signed and dated by the broker and the applicant/participant and returned to the Office of Central Processing (OCP) at the address indicated on the form.

Payments by check and fees in excess of one month's rent

Per current procedure, the following types of requests must be referred to the Rental Assistance Unit (RAU) for approval:

- Payment of broker's fees by check instead of voucher -

For these requests, the Broker's Statement for Fee Payment by Check Form (**W-147JJ**) must be signed and dated by the broker.

- Broker's fees that exceed one month's actual rent (including Advantage programs)


Upon RAU approval, the JOS/Worker must issue a two-party check payable to the broker using Special Grant Code **42** (Broker's and Finder's Fees) on the PA Single Issuance Form (**LDSS-3575**).

Effective Immediately

Related Item:

[PD #07-28-ELI](#)

Attachments:

 Please use Print on Demand to obtain copies of forms.

- W-147M** Landlord/Managing Agent's Statement (Rev. 6/2/2008)
- W-147P** Broker's Fee Voucher (Rev. 6/2/2008)
- W-147JJ** Broker's Statement for Fee Payment by Check

Landlord/Managing Agent's Statement

Center/DHS Site: _____	Date: _____
Case Name: _____	
Case Number: _____	JOS Worker/DHS Worker: _____
Telephone Number: _____	

I am (or we are) the Landlord (Managing Agent) _____
Landlord's/Managing Agent's Name
of premises located at: _____
Address Apt. No

_____ Borough State Zip Code
and I am (or we are) not the broker nor in any way associated with the Agency charging a broker's fee for the procurement of the above premises.

I (or we) agree that I (or we) will not receive any part or all of the Broker's fee directly or indirectly from the Broker.

I (or we) hereby attest that I (or we) will not rent the premises without the services of the Broker listed below:

SAMPLE

_____	_____
Name of Broker	License Number
_____	_____
Address	Telephone Number

Failure to provide true and accurate statements is punishable as a Class A Misdemeanor pursuant to Penal Law § 175.30 (offering a false instrument for filing to a public office or a public servant).

_____	_____
Signature of Landlord/Managing Agent	Landlord's/Managing Agent's Phone Number

_____ Landlord's/Managing Agent's Address

Job Center/DHS Site: _____	Date: _____
Case Name: _____	Case Number: _____
JOS Worker/DHS Worker: _____	Participant's Telephone Number: _____

Broker's Fee Voucher

(Original to participant, copy scanned and indexed into the electronic case record)

The Human Resources Administration (HRA) will issue a Cash Assistance allowance for a broker's fee only if the Cash Assistance participant is otherwise eligible and the Broker meets **all** of the following criteria:

- The Broker has verified that the actual rental unit has a current, effective certificate of occupancy issued by the New York City Department of Buildings.
- No change has been made in the occupancy or use of an existing apartment that is inconsistent with the last issued certificate of occupancy.
- No dangerous or hazardous violations are present on the premises.
- The Broker has a current broker's license in good standing.
- The Broker is not the owner, controlling person or an affiliate of the owner of the actual rental unit.

SAMPLE

Important Information for Brokers

This voucher hereby authorizes _____ (Name of Broker)

located at: _____

_____ ,
Borough State Zip Code

to receive the sum of \$ _____ upon the actual physical possession by the above named participants of the premises known as: _____ Apt. No: _____

_____ ,
Borough State Zip Code

This voucher is for services rendered as the Broker of the above premises.
In no event is this amount to be greater than specified above and this voucher represents the entire broker's fee. The participant is not responsible for any monies in excess of the amount issued by NYCDSS.

This voucher shall be submitted by the Broker to the NYCDSS Office of Central Processing within 30 days after physical possession of the above premises by the participant.

Failure to provide true and accurate statements are punishable as a Class A Misdemeanor pursuant to Penal Law § 175.30 (offering a false instrument for filing to a public office or a public servant).

JOS/DHS Worker's Signature JOS/DHS Worker's Name (Print) Telephone Number

Supervisor's Signature Supervisor's Name (Print) Telephone Number

Participant's statement: I have actually moved into the premises described above and have possession of the keys.

Participant's Signature

Date

Broker's request for payment: I (we) certify that the participant has taken possession of the above described premises and that the apartment met all the criteria listed above at the time the participant took possession, and hereby requests payment of the Broker's fee indicated above.

Broker's Signature

Date

License Number

Telephone Number

If corporation, name of officer and corporate seal

For payment, mail this form signed by the Broker and participant to:

**Office of Central Processing
P.O. Box 02-9121
Brooklyn, New York 11202-9121**

SAMPLE



Job Center/DHS Site: _____ Date: _____

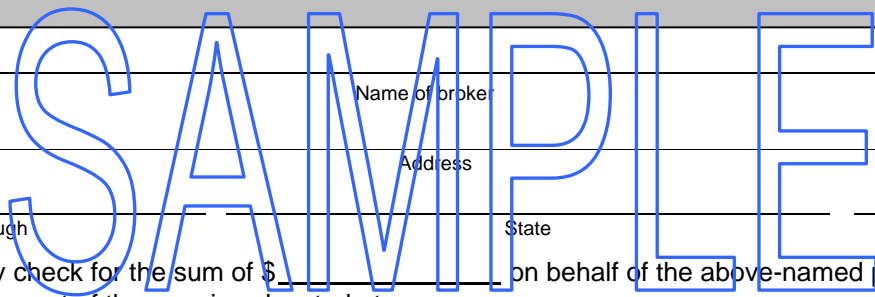
Case Name: _____ Case Number: _____

JOS Worker/DHS Worker: _____ Participant's Telephone Number: _____

Broker's Statement for Fee Payment by Check
(Original to participant, copy scanned and indexed into the electronic case record)

The Human Resources Administration (HRA) will issue a Cash Assistance allowance for a broker's fee only if the Cash Assistance participant is otherwise eligible and the Broker meets **all** of the following criteria:

- The Broker has verified that the actual rental unit has a current, effective Certificate of Occupancy issued by the New York City Department of Buildings.
- No change has been made in the occupancy or use of an existing apartment that is inconsistent with the last issued Certificate of Occupancy.
- No dangerous or hazardous violations are present on the premises.
- The Broker has a current broker's license in good standing.
- The Broker is not the owner, controlling person, or an affiliate of the owner of the actual rental unit.



I (we), _____, located at
Name of broker

Address

Borough State Zip Code

request payment by check for the sum of \$ _____ on behalf of the above-named participant who will be the primary tenant of the premises located at:

Address Apartment Number

Borough State Zip Code

This amount represents the entire broker's fee. The participant is not responsible for any monies in excess of the amount issued by NYCDSS.

I (we), as the Broker of the above-named premises, certify that this rental apartment meets all of the criteria listed above and hereby request payment in the amount indicated above for services rendered.

I (we) agree to promptly refund to the HRA the Broker's fee paid hereunder if the participant fails to move into the above-described premises or equivalent premises acceptable to the participant.

Failure to provide true and accurate statements is punishable as a Class A Misdemeanor pursuant to Penal Law § 175.30 (offering a false instrument for filing to a public office or a public servant).

Broker's Signature Date License Number Telephone Number

If corporation, name of officer and corporate seal