



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY BULLETIN #11-37-ELI (This Policy Bulletin Replaces PB #11-10-ELI)

BROKER'S FEES

<p>Date: April 28, 2011</p>	<p>Subtopic(s): Cash Assistance</p>
<p> This procedure can now be accessed on the FIAweb.</p>	<p>Revision to the Original Policy Bulletin</p> <p>This policy bulletin is being revised to inform Job Center staff that the Broker's Statement for Fee Payment by Check (W-147JJ) and the Brokers's Fee Voucher (W-147P) forms have been updated to include a statement that the applicant/participant is not responsible for a broker's fee that exceeds the amount issued by the New York City Department of Social Services (NYCDSS), which is 50% of the monthly rent. Also, references to the Advantage Program have been removed because the program is no longer accepting new applicants.</p> <p>Purpose:</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>Effective immediately, requests for broker's fees must be processed as follows:</p> <ul style="list-style-type: none"> • The applicant/participant must provide a separate Landlord/Managing Agent's Statement (W-147M) form for each brokered apartment. (A minimum of three potential apartments, each apartment represented by a different landlord.) Form 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.

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 Fax* or fax to: (917) 639-0298

- 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 must verify the following:
 - 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.)
 - That he/she has a current broker's license in good standing.
 - That he/she is not the owner, controlling person, or affiliate of the owner of the rental unit.
- The amount of the broker's fee does not exceed 50% of the monthly rent. For example, for an apartment that rents for \$1,050 per month, the maximum allowable broker's fee is:

$$\$1,050 \text{ (monthly rent)} \times .5 = \$525$$

Revised

New

Forms **W-147JJ** and **W-147P** are used to pay a broker's fee to secure an apartment rental. The **W-147JJ** is used to pay the broker by check in advance of the move, and the **W-147P** is used to pay the broker by a voucher after the move.

Revised

The broker must certify on Form **W-147JJ** that the amount requested by the broker represents the entire broker's fee, and that the applicant/participant is not responsible for any payment in excess of the amount issued by NYCDSS.

Broker's payments by voucher

For broker's fee payments by 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. OCP will send a check to the broker after the move.

Broker's payments in advance

If a broker prefers that the broker's fee is paid in advance and refuses to accept a voucher as payment, complete Form **W-147JJ** which must be signed and dated by the broker. Per current procedure, when the broker refuses to accept the voucher, a referral must be made to the Rental Assistance Unit (RAU) for approval.

Refer to [PB #10-124-OPE](#) for detailed instructions on processing referrals to RAU.

New

Broker's fees in POS

Refer to [PD #10-22-SYS](#) for details

All requests for Broker's fees must be entered in the POS **Single Issuance Record Special Grant Requests** window.

This window allows for the request of additional allowances during the interview. The JOS/Worker will record the applicable grant requests from the list of possibilities provided. (see the **Special Grants Requests** window below for Housing Related Benefits [broker's fees]).

Version SI-10 - Paperless Office System - [SPECIAL GRANTS] 12:13:48 AM Wednesday, February 24, 2010

File Edit Tools Window Help

Instructions: Use the window below to record grant requests. To record a request, click "Yes" for the appropriate row in the window. A Response to Question window will appear to allow you to record the details of the request. Once all requests are recorded, click the Next button to continue.

	Yes	No
Housing Related Benefits (rent in advance, moving allowance, security deposit, storage fees, broker's fee, furniture allowance).	<input type="radio"/>	<input type="radio"/>
Replacement of Lost or Stolen Cash	<input type="radio"/>	<input type="radio"/>
EAA - Replace SSI Check/Stolen Cash/Mismanaged or Lost Cash	<input type="radio"/>	<input type="radio"/>
Property Equipment And Household Item Repair or Replacement.	<input type="radio"/>	<input type="radio"/>
Need to Issue a Generic PA Benefit?	<input type="radio"/>	<input type="radio"/>
Need to Issue a Generic FS Benefit?	<input type="radio"/>	<input type="radio"/>
Are There Mortgage/Property Tax Arrears?	<input type="radio"/>	<input type="radio"/>
Rent Supplementation?	<input type="radio"/>	<input type="radio"/>
Work-Activity Related Benefits?	<input type="radio"/>	<input type="radio"/>

Spanish Next Previous

Effective Immediately

Related Items:

- [PD #10-22-SYS](#)
- [PB #10-124-OPE](#)

Attachments:

- W-147M** Landlord/Managing Agent's Statement (Rev. 6/2/08)
- W-147P** Broker's Fee Voucher (Rev. 4/28/11)
- W-147JJ** Broker's Statement for Fee Payment by Check (Rev. 4/28/11)

Please use Print on Demand to obtain copies of forms.

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

Date: _____

Case Number: _____

Case Name: _____

Worker's Name: _____

Telephone Number: _____

Job Center: _____

Broker's Fee Voucher

(Original to applicant/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 applicant/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 applicant/participant 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 applicant/participant is not responsible for any monies in excess of the amount issued by NYCDSS, which is 50% of the monthly rent.

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 applicant/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

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

Applicant/participant's Signature

Date

Broker's request for payment: I (we) certify that the applicant/participant has taken possession of the above described premises and that the apartment met all the criteria listed above at the time the applicant/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 applicant/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: _____	Applicant/Participant's Telephone Number: _____

Broker's Statement for Fee Payment by Check

(Original to applicant/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 applicant/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

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 applicant/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 applicant/participant is not responsible for any monies in excess of the amount issued by NYCDSS, which is 50% of the monthly rent.

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 applicant/participant fails to move into the above-described premises or equivalent premises acceptable to the applicant/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