



Office of Children and Family Services

Andrew M. Cuomo
Governor

52 WASHINGTON STREET
RENSSELAER, NY 12144

Sheila J. Poole
Acting Commissioner

Local Commissioners Memorandum

Transmittal:	18-OCFS-LCM-13 (Revised 03/31/19)
To:	Local District Commissioners
Issuing Division/Office:	Division of Child Welfare and Community Services Division of Administration
Date:	July 5, 2018
Subject:	TANF Funding for Non-Residential Domestic Violence Services for SFY 2018-19
Contact Person(s):	See Section VI.
Attachments:	Attachment A: <i>SFY 2018-19 TANF Non-Residential Domestic Violence Services Allocations</i> Attachment B: <i>TANF SFY 2018-19 Non-Residential Domestic Violence Services Plan and Allocation Attestation</i> Attachment C: <i>Federal TANF Funding Guidelines and Claiming Instructions</i> Attachment D: <i>Attachment for U.S. Department of Health and Human Services Grants</i>

I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to notify local departments of social services (LDSSs) of their allocations for non-residential domestic violence (DV) services administered through the New York State Office of Children and Family Services (OCFS). The enacted budget for State Fiscal Year (SFY) 2018-19 includes a Temporary Assistance for Needy Families (TANF) appropriation of \$3,000,000 for the provision of non-residential domestic violence services. The allocation for each LDSS is listed in Attachment A of this document. **This LCM was**

revised to include *Attachment for U.S. Department of Health and Human Services Grants*, which must be provided to all subrecipients per Title 45 U.S. Code of Federal Regulations Part 75 (45 CFR 75), Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards, Section 352.

II. Background

TANF funding for non-residential domestic violence services is administered by OCFS. In addition to using their TANF appropriations, LDSSs have the option of also dedicating a portion of their Flexible Fund for Family Services (FFFS) allocations to further support non-residential domestic violence services.

III. Allocation Methodology

TANF funding for non-residential domestic violence services is allocated to LDSSs based on a proportion of the population served as reported in the OCFS Domestic Violence Information System (DVIS) for the 20 LDSSs with the largest population served and granting a \$25,000 floor for the remaining LDSSs. To mitigate the impact of this new methodology, no LDSS will receive a reduction of more than 5 percent and no LDSS will receive an increase of more than 2.1 percent from the prior year. In future years, this threshold may change. Those counties that did not claim funds in the last three finalized plan years will not receive an allocation. Please see Attachment A for a complete list of LDSS allocations.

IV. Program Implications and Federal TANF Funding Guidelines

These TANF funds must be used to provide enhanced or expanded core and/or optional non-residential domestic violence services provided by OCFS-approved non-residential domestic violence programs. They can only be used for services provided to families with children whose income is at or below 200 percent of the poverty level. For a complete list of approved non-residential domestic violence programs, refer to the OCFS website at <http://ocfs.ny.gov/main/dv/providerlist.asp>.

Each LDSS must complete Attachment B, TANF 2018-19 Non-Residential Domestic Violence Services Plan and Allocation Attestation, indicating whether the LDSS intends to access its TANF allocation. If the LDSS intends to use the funds, it must submit a plan for each approved non-residential domestic violence service provider that will receive money from this allocation. The plans must provide a description of the programs and services to be provided with the TANF monies for TANF-eligible victims of domestic violence and their children.

Note: Funds cannot be used for medical services, domestic violence hotline services, domestic violence outreach/educational services, or capital expenditures.

Please send the signed and dated Attachment B and plans by **July 27, 2018**, by mail to:

Pamela Jobin
New York State Office of Children and Family Services
Bureau of Program and Community Development
52 Washington Street, Room 334 North
Rensselaer, NY 12144-2834

As in previous years, these funds must be expended and claimed in accordance with the Federal TANF Funding Guidelines and Claiming Instructions (see Attachment C).

V. Claiming Instructions and Periods

All expenditures from the non-residential domestic violence services allocation must be claimed in accordance with the LDSS's non-residential domestic violence services approved plan.

The expenditures for the approved non-residential domestic violence services projects must be claimed through the RF17 claim package for special project claiming. Administrative and/or contracted costs associated with approved plans should be identified as F17 functional costs and reported on the Schedule D, LDSS-2347, *DSS Administrative Expenses Allocation and Distribution by Function and Program*, in the F17 column in the RF2A claim package. The individual project costs must also be reported on the LDSS-4975A, *RF17 Worksheet, Distribution of Allocated Costs to Other Reimbursable Programs*, using the project label *Non-Res DV 17* from the "drop-down" menu on the Automated Claiming System (ACS).

Salary and non-salary costs of staff must be charged to the RF17 claim package. LDSS staff whose responsibilities include both non-residential domestic violence services and other tasks or services must be studied over time. Only costs related to non-residential domestic violence services may be charged to the RF17 claim package for non-residential domestic violence services.

Non-salary administrative costs are reported with the appropriate object of expense(s) on the LDSS-923B, Summary-Administrative (page 1), *Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs*. Program costs are reported as an object of expense 37 - Special Project Program Expense on the LDSS-923B Summary-Program (page 2), *Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs*. Non-salary administrative costs should also be reported with the appropriate object of expense code on the LDSS-923, *Schedule of Payments Administrative Expenses Other Than Salaries*. The expenditures should be entered in the RF17 Claim Package based on the guidelines noted in Attachment C.

Total project costs and shares should be reported on the LDSS-4975, *Monthly Statement of Special Project Claims Federal and State Aid (RF-17)*.

Instructions for the Schedule D and RF17 claim package are found in Chapters 7 and 18, respectively, of the *Fiscal Reference Manual*, Volume 3. The manual is available online at <http://otda.state.nyenet/bfdm/finance/>.

Costs are claimed at 100 percent federal share for clients in receipt of TANF or who are eligible for TANF with incomes at or below 200 percent of the federal poverty level. Reimbursement is available up to the limit of the allocation. Costs over the allocation will be regular domestic violence services expenditures, which are subject to 98 percent of 50 percent state reimbursement net of any available Title XX funds.

Because of federal reporting requirements, LDSSs must report program and administrative costs separately for claiming purposes. The RF17 claim package permits reporting both types of expenditures on the same form.

Under federal TANF regulations, there is a 15 percent limitation for costs claimed for administrative activities. Under the same regulations, certain activities that were previously considered administrative are now classified as program costs and, therefore, are not subject to the 15 percent cap. The guidelines on which costs are administrative and which are non-administrative are in Attachment C.

All open RF17 Non-Residential Domestic Violence projects are shown in the table below with their services periods and final accept dates. Any LDSS that has remaining *Non-Res DV 14*, *DV 15*, and *DV 16* allocations should spend down those balances prior to claiming for *Non-Res DV 17* monies. OCFS may reallocate any unspent funds from an LDSS to other LDSSs that have claims in excess of their allocations.

RF17 Project Name	State Fiscal Year Funding	Expenses Incurred From	Expenses Incurred To	Final Accepted in ACS
Non-Res DV 17	SFY 2018-19	October 1, 2017	June 30, 2019	August 15, 2019
Non-Res DV 16	SFY 2017-18	October 1, 2017	June 30, 2019	August 15, 2019
Non-Res DV 15	SFY 2016-17	October 1, 2017	June 30, 2019	August 15, 2019
Non-Res DV 14	SFY 2015-16	October 1, 2017	June 30, 2019	August 15, 2019

VI. Contact Persons

Programmatic questions should be directed either to the OCFS home office staff listed below or to the appropriate OCFS regional office, Division of Child Welfare and Community Services staff:

Home Office

Pamela Jobin, Director, Bureau of Domestic Violence Prevention and Victim Support
at (518) 518-474-4787, Pamela.Jobin@ocfs.ny.gov .

Regional Offices

Buffalo	Amanda Darling, Director Amanda.Darling@ocfs.ny.gov	(716) 847-3145
Rochester	Karen Lewter, Director Karen.Lewter@ocfs.ny.gov	(585) 238-8201
Syracuse	Sara Simon, Director Sara.Simon@ocfs.ny.gov	(315) 423-1200
Albany	John Lockwood, Director John.Lockwood@ocfs.ny.gov	(518) 486-7078
Spring Valley	Thalia Wright, Director Thalia,Wright@ocfs.ny.gov	(845) 708-2498
NYC	Ronni Fuchs, Director Ronni.Fuchs@ocfs.ny.gov	(212) 383-4873

Any questions concerning claiming procedures should be directed to the OTDA
Bureau of Financial Services by email or telephone:

Dan Stuhlman, Regions I-IV (518) 474-7549
Dan.Stuhlman@otda.ny.gov

Michael Simon, Regions V-VI (212) 961-8250
Michael.Simon@otda.ny.gov

Issued By:

/s/ Lisa Ghartey Ogundimu

Name: Lisa Ghartey Ogundimu
Title: Acting Deputy Commissioner
Division/Office: Child Welfare and Community Services

/s/ Derek J. Holtzclaw

Name: Derek J. Holtzclaw
Title: Deputy Commissioner
Division/Office: Administration

ATTACHMENT A

SFY 2018-19

TANF NON-RESIDENTIAL DOMESTIC VIOLENCE SERVICES ALLOCATIONS

<i>District</i>	Allocation		<i>District</i>	Allocation
Albany	30,833		Ontario	25,000
Allegany	25,000		Orange	30,791
Broome	25,000		Orleans	29,189
Cattaraugus	25,000		Oswego	28,361
Cayuga	25,000		Otsego	25,000
Chautauqua	31,052		Putnam	25,000
Chemung	25,000		Rensselaer	30,474
Chenango	25,000		Rockland	30,474
Clinton	25,000		St. Lawrence	25,000
Columbia	25,000		Saratoga	26,410
Cortland	25,000		Schenectady	30,474
Delaware	25,000		Schoharie	25,000
Dutchess	61,802		Schuyler	25,000
Erie	175,391		Seneca	25,000
Essex	25,000		Steuben	25,000
Franklin	25,000		Suffolk	58,025
Fulton	25,000		Sullivan	25,000
Genesee	25,000		Tioga	30,474
Greene	25,000		Tompkins	25,000
Hamilton	25,000		Ulster	25,000
Herkimer	25,000		Warren	-
Jefferson	30,474		Washington	25,000
Lewis	25,000		Wayne	25,000
Livingston	25,000		Westchester	67,167
Madison	25,000		Wyoming	25,000
Monroe	89,007		Yates	25,000
Montgomery	25,000			
Nassau	34,768		Rest of State	1,871,999
Niagara	39,505			
Oneida	61,026		New York City	1,128,001
Onondaga	56,302			
			Statewide Totals	3,000,000

ATTACHMENT B
TANF SFY 2018-19 NON-RESIDENTIAL DOMESTIC VIOLENCE SERVICES PLAN AND
ALLOCATION ATTESTATION

DISTRICT:

TANF PLAN CONTACT PERSON:

PHONE # AND EMAIL ADDRESS:

Check one:

By signing this form, I am attesting that the social services district will use its TANF 2018-19 allocation for enhanced or expanded core and/or optional non-residential domestic violence services provided by approved non-residential domestic violence programs only for persons with incomes at or below 200 percent of the poverty level as outlined in the attached, and expenditures will continue to be in accordance with federal TANF guidelines.

By signing this form, I am attesting that the social services district will not be accessing its TANF 2018-19 allocation for non-residential domestic violence services.

Name of approved non-residential domestic violence service provider(s) that will receive these funds, and contact person and telephone number or email address:

Program:

Contact Person and Contact Information:

- 1.
- 2.
- 3.

For each provider listed, provide a brief description of the services that will be supported with this allocation, using additional sheets as required. (Note: These funds cannot be used to supplant existing federal, state and/ or local funding sources.)

Commissioner Signature

Date

Send signed **Attachment B** with any additional sheets by **July 27, 2018**, by mail to:

Pamela Jobin
New York State Office of Children and Family Services
Bureau of Program and Community Development
52 Washington Street, Room 334 North
Rensselaer, NY 12144-2796

ATTACHMENT C

FEDERAL TANF FUNDING GUIDELINES AND CLAIMING INSTRUCTIONS

Federal TANF Funding Guidelines

Eligible Families/Individuals

- Funds may be used for families, children and non-custodial parents who are at or below 200 percent of the federal poverty level, and otherwise meet the TANF categorical eligibility standards including the Personal Responsibility and Work Opportunity Reconciliation Act U.S. citizenship or qualified alien requirements. For the SFY 2018-19 allocation, the income standards are noted below:

2018 HHS Poverty Guidelines

SOURCE: *Federal Register*, Volume 83, Number 12, Thursday, January 18, 2018, pp. 2642-2644

Persons in Family Unit	Poverty Level	200% of Poverty
1	\$12,140	\$24,280
2	\$16,460	\$32,920
3	\$20,780	\$41,560
4	\$25,100	\$50,200
5	\$29,420	\$58,840
6	\$33,740	\$67,480
7	\$38,060	\$76,120
8	\$42,380	\$84,760
For each additional person, add	\$4,320	\$8,640

Allowable Costs

- Allowable services must meet the federal definition of non-assistance.
- The funds may not be used for assistance. Assistance for federal purposes consists of any payment or benefit designed to meet ongoing basic needs — food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses. Assistance also includes supportive services such as transportation or child care provided to unemployed recipients. Assistance paid to a person receiving family assistance or non-cash safety net assistance/federal participation is counted toward the 60-month TANF time limit. Assistance counts toward the support offset.
- Funds may be utilized to provide transportation services only when those services are incidental to the services being provided to people receiving TANF-funded public assistance (PA). With regard to transportation services, transportation is permissible for employment or other allowable activities, as long as the program of transportation does not constitute assistance or, if it does constitute assistance, it is only provided to people receiving PA.
- Funds cannot be used for medical services, domestic violence hotline services, domestic violence outreach/educational services, and capital expenditures.

Cost Allocation

- Costs must be allocated to benefiting programs when more than one program is involved in a particular activity, whether done by LDSS staff or contractor staff. Cost allocation rules are now contained in 2 CFR Part 200, which supersedes and streamlines prior federal guidance, including the *Fiscal Reference Manual* and federal Circular OMB A-87 for LDSSs; OMB Circular A-122; OMB Circular and OMB Circular A-21.

Administrative Costs 15 Percent Rule

- The maximum amount the state can spend on administration is 15 percent against the TANF Block Grant after transfer to other block grants. This limitation applies to the non-residential domestic violence allocation for SFY 2018-19.
- The federal definition of “administration” is different from the state definition. When TANF costs are claimed to the federal government, they must be claimed according to the federal definition. The final federal regulations exclude direct costs, including salaries and benefits costs for staff providing program services and the direct administrative costs associated with providing these services (e.g., supplies, equipment, travel, postage, utilities, rental costs, and maintenance). For example, the cost of providing diversion benefits and services, providing program information to clients, screening and assessment, development of employability plans, work activities, post-employment services, work supports, and case management services, including those involving child welfare case management, except for performing the eligibility determinations, are all excluded from the definition, and should be claimed as program expenditures. Also excluded are costs for contracts devoted entirely to program activities.

- The revised definition specifically includes contract costs (except those excluded totally or in part as program activities), all indirect and overhead costs, and activities related to eligibility determinations within the definition of administrative costs. The following are examples of administrative costs included in the regulations:
 - Salaries and benefits of staff performing administrative and coordination functions
 - Preparation of program plans, budgets, and schedules
 - Monitoring programs and projects
 - Fraud and abuse units
 - Procurement activities
 - Public relations
 - Services related to accounting, litigation, audits, management of property, payroll, and personnel
 - Costs for the goods and services required for administration of the program (supplies, equipment, travel postage, utilities, office rent, and maintenance), provided that such costs are not excluded as program services
 - Travel costs incurred for official business and not excluded as program costs
 - Management information systems not related to tracking and monitoring (such as state payroll staff)
 - Preparing reports and other documents

Overhead and A-87 costs must be budgeted for any program for which LDSS staff is budgeted.

Claiming Instructions (repeated from page 2 of the LCM)

All expenditures against the non-residential domestic violence services allocation must be claimed in accordance with the LDSS's non-residential domestic violence services approved plan.

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Total project costs and shares should be reported on the LDSS-4975, *Monthly Statement of Special Project Claims Federal and State Aid (RF-17)*.

Instructions for the Schedule D and RF17 claim package are found in Chapters 7 and 18, respectively, of the *Fiscal Reference Manual*, Volume 3. The manual is available online at <http://otda.state.nyenet/bfdm/finance/>.

Costs are claimed at the 100 percent federal share for clients in receipt of TANF or who are eligible for TANF with incomes at or below 200 percent of the federal poverty level. Reimbursement is available up to the limit of the allocation. Costs over the allocation will become regular domestic violence services expenditures, which are subject to 98 percent of 50 percent state reimbursement net of any available Title XX funds.

Because of federal reporting requirements, the LDSS must report both program and administrative costs for claiming purposes. The RF17 claim package permits the reporting of both types of expenditures on the same form.

Under federal TANF regulations, there is a 15 percent limitation for costs that may be claimed for administrative activities. Under the same regulations, certain activities that are normally considered administrative are now classified as program costs under these federal rules and, therefore, are not subject to the 15 percent cap. The guidelines on which costs are administrative and which are non-administrative are noted above.

Claiming Periods (repeated from page 2 of the LCM)

All expenditures against the non-residential domestic violence services allocation must be claimed in accordance with the LDSS's non-residential domestic violence services approved plan.

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**ATTACHMENT FOR U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
GRANTS**

Title 45 U.S. Code of Federal Regulations Part 75 (45 CFR 75), *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for HHS Awards*, Section 354(a) states "all pass-through entities must ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the following information at the time of the subaward and if any of these data elements change, includes the changes in subsequent subaward identification."

(i)	Subrecipient name	Attachment A
(ii)	Subrecipient's unique entity identifier	County LDSS office
(iii)	Federal Award Identification Number (FAIN)	1801NYTANF
(iv)	Federal award date to the recipient by the HHS awarding agency	10/1/2017
(v)	Subaward period of performance start and end date	Section V: Claiming and Instructions and Periods
(vi)	Amount of federal funds obligated to the subrecipient by this action by the pass-through entity to the subrecipient	Attachment A
(vii)	Total amount of the federal funds obligated to the subrecipient by the pass-through entity, including the current obligation	Attachment A
(viii)	Total amount of the award committed to the subrecipient by the pass-through entity	Attachment A
(ix)	Federal award project description	Section I: Purpose
(x)	Name of the HHS awarding agency, pass-through entity, and contact information for awarding official of the pass-through entity	Department of Health and Human Services/Administration for Children and Families Section I: Purpose Section VII: Contacts
(xi)	CFDA number and name	93.558 – Temporary Assistance for Needy Families
(xii)	Identification of whether the award is Research and Development (R&D)	N
(xiii)	Indirect cost rate for the federal award (including if the de minimus rate is charged per Section 75.414)	Unless otherwise noted, the indirect cost rate is 5.14 percent for State Fiscal Year 2018-19 and will increase to 6.54 percent for State Fiscal Year 2019-20. These rates are provided to OCFS by the New York State Division of the Budget.