



# Office of Children and Family Services

Andrew M. Cuomo  
Governor

52 WASHINGTON STREET  
RENSSELAER, NY 12144

Sheila J. Poole  
Commissioner

## Local Commissioners Memorandum

<b>Transmittal:</b>	21-OCFS-LCM-24
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Child Welfare and Community Services Division of Administration
<b>Date:</b>	August 11, 2021
<b>Subject:</b>	<b>Temporary Assistance for Needy Families (TANF) Funding for Non-Residential Domestic Violence Services for State Fiscal Year (SFY) 2021-22</b>
<b>Contact Person(s):</b>	See section VI.
<b>Attachments:</b>	Attachment A: <i>SFY 2021-22 TANF Non-Residential Domestic Violence Services Allocations</i> Attachment B: <i>SFY 2021-22 TANF 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) 2021-22 includes a Temporary Assistance for Needy Families (TANF) appropriation of \$3,200,000 for the provision of non-residential DV services. Aside from the methodology change in Section III below and the additional \$200,000 appropriation, there are no notable changes from last year's issuance of this LCM. The allocation for each LDSS is listed in Attachment A of this document. This LCM includes the 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**

OCFS administers TANF funding for non-residential DV services. 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 DV services.

## III. **Allocation Methodology**

TANF funding for non-residential DV 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 methodology, no LDSS will receive a reduction of more than 5.0% and no LDSS will receive an increase of more than 26.9% from the prior year. In future years, these thresholds may change. Those counties that did not claim funds in the last three finalized plan years, Non Res DV 14 through 16, 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 DV services provided by OCFS-approved non-residential DV programs. They can only be used for services provided to families with children and whose income is at or below 200% of the poverty level. The OCFS website has [a list of approved, non-residential DV programs](#).

Each LDSS must complete Attachment B, *TANF SFY 2021-22 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 DV 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 DV and their children.

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

Please send the signed and dated Attachment B and plans by October 1, 2021, by electronic mail to Jara Traina at [Jara.Traina@ocfs.ny.gov](mailto:Jara.Traina@ocfs.ny.gov).

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 DV services allocation must be claimed in accordance with the LDSS's non-residential DV services approved plan.

The expenditures for the approved non-residential DV 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 2021 22* 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 DV services and other tasks or services must be studied over time. Only costs related to non-residential DV services may be charged to the RF17 claim package for non-residential DV 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*. 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% federal share for clients in receipt of TANF or who are eligible for TANF with incomes at or below 200% of the federal poverty level. Reimbursement is available up to the limit of the allocation. Costs over the allocation will be regular DV services expenditures, which are subject to 98% of 50% 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% 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% cap. The guidelines on which costs are administrative and which are non-administrative are in Attachment C.

All open RF17 Non-Residential DV projects are shown in the table below with their services periods and final accept dates. Any LDSS that has a remaining *Non-Res DV 17 and 18* allocation should spend down those balances prior to claiming for *Non-Res DV 2021-22* monies. OCFS may reallocate any unspent funds from an LDSS to other LDSSs that have claims that exceed their allocations.

<b>RF17 Project Name</b>	<b>State Fiscal Year Funding</b>	<b>Expenses Incurred From</b>	<b>Expenses Incurred To</b>	<b>Final Accepted in ACS</b>
Non-Res DV 2021-22	SFY 2021-22	October 1, 2020	June 30, 2022	August 15, 2022
Non-Res DV 19	SFY 2020-21	October 1, 2019	September 30, 2022	March 30, 2023
Non-Res DV 18	SFY 2019-20	October 1, 2018	June 30, 2022	August 15, 2022

## 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:

### Home Office

Jara Traina, Director, Bureau of Domestic Violence Prevention and Victim Support at (518) 402-7239, [Jara.Traina@ocfs.ny.gov](mailto:Jara.Traina@ocfs.ny.gov).

### Regional Offices

Buffalo	Amanda Darling, Director <a href="mailto:Amanda.Darling@ocfs.ny.gov">Amanda.Darling@ocfs.ny.gov</a>	716-847-3145
Rochester	Chris Bruno, Acting Director <a href="mailto:Christopher.Bruno@ocfs.ny.gov">Christopher.Bruno@ocfs.ny.gov</a>	585-238-8289
Syracuse	Sara Simon, Director <a href="mailto:Sara.Simon@ocfs.ny.gov">Sara.Simon@ocfs.ny.gov</a>	315-423-1200
Albany	John Lockwood, Director <a href="mailto:John.Lockwood@ocfs.ny.gov">John.Lockwood@ocfs.ny.gov</a>	518-486-7078
Westchester	Sheletha Chang, Acting Director <a href="mailto:Sheletha.Chang@ocfs.ny.gov">Sheletha.Chang@ocfs.ny.gov</a>	845-708-2498
NYC	Ronni Fuchs, Director <a href="mailto:Ronni.Fuchs@ocfs.ny.gov">Ronni.Fuchs@ocfs.ny.gov</a>	212-383-4873

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

Lauren Horn (Regions I-V) at 518-474-7549

[otda.sm.Field\\_Ops.I-IV@otda.ny.gov](mailto:otda.sm.Field_Ops.I-IV@otda.ny.gov)

Michael Simon (Regions VI) at 212-961-8250

[Michael.Simon@otda.ny.gov](mailto:Michael.Simon@otda.ny.gov)

***/s/ Lisa Gharthey Ogundimu***

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**Issued by:**

Name: Lisa Gharthey Ogundimu

Title: Deputy Commissioner

Division/Office: Division of Child Welfare and Community Services

***/s/ Derek J. Holtzclaw***

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**Issued by:**

Name: Derek J. Holtzclaw

Title: Deputy Commissioner

Division/Office: Division of Administration

**ATTACHMENT A  
SFY 2021-22**

**TANF NON-RESIDENTIAL DOMESTIC VIOLENCE SERVICES ALLOCATIONS**

<i>District</i>	Allocation		<i>District</i>	Allocation
Albany	43,042		Ontario	25,000
Allegany	25,000		Orange	31,351
Broome	35,245		Orleans	25,000
Cattaraugus	25,000		Oswego	30,765
Cayuga	25,000		Otsego	25,000
Chautauqua	45,791		Putnam	25,000
Chemung	25,000		Rensselaer	44,940
Chenango	25,000		Rockland	37,907
Clinton	25,000		St. Lawrence	25,000
Columbia	25,000		Saratoga	25,000
Cortland	25,000		Schenectady	44,940
Delaware	25,000		Schoharie	25,000
Dutchess	91,140		Schuyler	25,000
Erie	258,647		Seneca	25,000
Essex	25,000		Steuben	25,000
Franklin	25,000		Suffolk	85,570
Fulton	25,000		Sullivan	25,000
Genesee	25,000		Tioga	41,418
Greene	25,000		Tompkins	25,000
Hamilton	25,000		Ulster	25,000
Herkimer	25,000		Warren	25,000
Jefferson	44,940		Washington	25,000
Lewis	25,000		Wayne	25,000
Livingston	25,000		Westchester	99,050
Madison	25,000		Wyoming	25,000
Monroe	131,258		Yates	32,450
Montgomery	25,000			
Nassau	51,271		Rest of State	2,268,511
Niagara	44,714			
Oneida	69,747		New York City	931,489
Onondaga	79,325			
			Statewide Totals	3,200,000

ATTACHMENT B  
**SFY 2021-22 TANF 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 2021-2022 allocation for enhanced or expanded core and/or optional non-residential domestic violence (DV) services provided by approved non-residential DV programs only for persons with incomes at or below 200% 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 2021-2022 allocation for non-residential DV services.

Name of approved non-residential DV service provider(s) that will receive these funds, amount being received by that program, and contact person and telephone number or email address:

Program:	Allocation Amount	Contact Person /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 TBD, by email to Jara Traina, at the contact information listed above.

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% 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 2021-22 allocation, the income standards are noted below:

**2021 HHS Poverty Guidelines<sup>1</sup>**

<b>Persons in Family Unit</b>	<b>Poverty Level</b>	<b>200% of Poverty</b>
1	\$12,880	\$25,760
2	\$17,420	\$34,840
3	\$21,960	\$43,920
4	\$26,500	\$53,000
5	\$31,040	\$62,080
6	\$35,580	\$71,160
7	\$40,120	\$80,240
8	\$44,660	\$89,320
For each additional person, add	\$4,540	\$9,080

<sup>1</sup> SOURCE: Federal Register, Volume 86, February 1, 2021, pp. 7732-7734. See <https://www.federalregister.gov/d/2021-01969>.



### Allowable Costs

- Allowable services must meet the federal definition of non-assistance.
- The funds may not be used for assistance. Assistance<sup>2</sup> 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.
- Ongoing transportation benefits are generally considered assistance, and only meet the definition of non-assistance if provided to an employed family or provided on a short-term nonrecurring basis to meet a specific episode of need that will not extend beyond four months. 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).
- Funds cannot be used for medical services, domestic violence (DV) hotline services, DV 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% Rule

- The maximum amount the state can spend on administration is 15% against the TANF Block Grant after transfer to other block grants. This limitation applies to the non-residential DV allocation for SFY 2021-22.
- 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. Federal regulations at 45 CFR 263.0 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

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<sup>2</sup> 45 CFR 260.31.

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 definition specifically includes contract costs for general administration and coordination of programs (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 of 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 pages 3-4 of the LCM)

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

The expenditures for the approved non-residential DV 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, *DSS Administrative Expenses Allocation and Distribution by Function and Program* (LDSS-2347), 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 20* from the drop-down menu on the Automated Claiming System (ACS).

Salary and non-salary costs of staff should be charged to the RF17 claim package. LDSS staff whose responsibilities include both non-residential DV services and other tasks or services must be time studied. Only costs related to non-residential DV services should be charged to the RF17 claim package for non-residential DV 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 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*. 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 the 100% federal share for clients in receipt of TANF or who are eligible for TANF with incomes at or below 200% of the federal poverty level. Reimbursement is available up to the limit of the allocation. Costs over the allocation will become regular DV services expenditures, which are subject to 98% of 50% 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% 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% cap. The guidelines on which costs are administrative and which are non-administrative are noted above.

#### Claiming Periods (repeated from page 4 of the LCM)

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

The expenditures for the non-residential DV 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, *DSS Administrative Expenses Allocation and Distribution by Function and Program* (LDSS-2347), 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 20* from the drop-down menu on the Automated Claiming System (ACS).

**ATTACHMENT D**  
**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 352(a) states "all pass-through entities must ensure that every sub award is clearly identified to the subrecipient as a sub award and includes the following information at the time of the sub award and if any of these data elements change, includes the changes in subsequent sub award identification."

(i)	Subrecipient name	Attachment A
(ii)	Subrecipient's unique entity identifier	County LDSS office
(iii)	Federal Award Identification Number (FAIN)	2101NYTANF
(iv)	Federal award date to the recipient by the HHS awarding agency	10/1/2020
(v)	Sub award 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 minimis rate is charged per Section 75.414)	Please see uniform guidance 45 CFR 75.