



## Office of Children and Family Services

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### Local Commissioners Memorandum

<b>Transmittal:</b>	22-OCFS-LCM-20
<b>To:</b>	Local Department of Social Services Commissioners
<b>Issuing Division/Office:</b>	Division of Child Welfare and Community Services Division of Administration
<b>Date:</b>	June 30, 2022
<b>Subject:</b>	<b>Temporary Assistance for Needy Families (TANF) Funding for Non-Residential Domestic Violence Services for State Fiscal Year (SFY) 2022-23</b>
<b>Contact Person(s):</b>	See section VI.
<b>Attachments:</b>	Attachment A: <i>SFY 2022-23 TANF Non-Residential Domestic Violence Services Allocation</i> Attachment B: <i>SFY 2022-23 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) 2022-23 includes a Temporary Assistance for Needy Families (TANF) appropriation of \$3,200,000 for the provision of non-residential DV services. 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 4.6% 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 15 through 17, 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 2022-23 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 August 1, 2022, by electronic mail to the Bureau of Domestic Violence Prevention and Victim Support email mailbox: [ocfs.sm.dvbureau@ocfs.ny.gov](mailto:ocfs.sm.dvbureau@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 2022-23* 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.ny.net/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 49% 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 18 and 19, and 2021-22* allocation should spend down those balances prior to claiming for *Non-Res DV 2022-23* monies. OCFS may reallocate any unspent funds from an LDSS to other LDSSs that have claims that exceed their allocations.

RF17 Project Name	State Fiscal Year Funding	Expenses Incurred From	Expenses Incurred To	Final Accepted in ACS
Non-Res DV 2022-23	SFY 2022-23	October 1, 2021	September 30, 2022	March 30, 2023
Non-Res DV 2021-22	SFY 2021-22	October 1, 2020	September 30, 2022	March 30, 2023
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. Contacts

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:

### OCFS Home Office

Marie Limbach, Bureau of Domestic Violence Prevention and Victim Support at (518) 473-8267, [Marie.Limbach@ocfs.ny.gov](mailto:Marie.Limbach@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, 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, 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 (Region VI) at 212-961-8250

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

**/s/ Lisa Ghartey Ogundimu, Esq.**

**Issued by:**

Name: Lisa Ghartey Ogundimu, Esq.

Title: Deputy Commissioner

Division/Office: Division of Child Welfare and Community Services

**/s/ Bryan Bagstad**

**Issued by:**

Name: Bryan Bagstad

Title: Director, Bureau of Budget Management

Division/Office: Division of Administration

**ATTACHMENT A**

**SFY 2022-23**

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

<i>District</i>	Allocation		<i>District</i>	Allocation
Albany	40,890		Ontario	25,000
Allegany	25,000		Orange	29,783
Broome	36,862		Orleans	25,000
Cattaraugus	25,000		Oswego	32,176
Cayuga	25,000		Otsego	25,000
Chautauqua	47,892		Putnam	25,000
Chemung	25,000		Rensselaer	47,002
Chenango	25,000		Rockland	39,646
Clinton	25,000		St. Lawrence	25,000
Columbia	25,000		Saratoga	25,000
Cortland	25,000		Schenectady	47,002
Delaware	25,000		Schoharie	25,000
Dutchess	95,321		Schuyler	25,000
Erie	270,514		Seneca	25,000
Essex	25,000		Steuben	25,000
Franklin	25,000		Suffolk	89,496
Fulton	25,000		Sullivan	25,000
Genesee	25,000		Tioga	39,966
Greene	25,000		Tompkins	25,000
Hamilton	25,000		Ulster	25,000
Herkimer	25,000		Warren	25,000
Jefferson	47,002		Washington	25,000
Lewis	25,000		Wayne	26,147
Livingston	25,000		Westchester	103,594
Madison	25,000		Wyoming	25,000
Monroe	137,280		Yates	33,939
Montgomery	25,000			
Nassau	53,623		Rest of State	2,315,086
Niagara	46,765			
Oneida	72,947		New York City	884,914
Onondaga	77,239			
			Statewide Totals	3,200,000

ATTACHMENT B  
SFY 2022-23 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 2022-2023 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 2022-2023 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 **August 1, 2022**, by email to [ocfs.sm.dvbureau@ocfs.ny.gov](mailto:ocfs.sm.dvbureau@ocfs.ny.gov) with the subject line, "TANF Non-Residential SFY 2022-23 Attestation and Plan."

## 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 2022-23 allocation, the income standards are noted below:

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

Persons in Family Unit	Poverty Level	200% of Poverty
1	\$13,590	\$27,180
2	\$18,310	\$36,620
3	\$23,030	\$46,060
4	\$27,750	\$55,500
5	\$32,470	\$64,940
6	\$37,190	\$74,380
7	\$41,910	\$83,820
8	\$46,630	\$93,260
For each additional person, add	\$4,720	\$9,440

<sup>1</sup> SOURCE: Federal Register, Volume 87, January 1, 2022, pp. 3315-3316.  
See <https://www.federalregister.gov/documents/2022/01/21/2022-01166>.



### 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 2022-23.
- 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 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

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

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.

**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)	2201NYTANF
(iv)	Federal award date to the recipient by the HHS awarding agency	October 1, 2021
(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.