



Ownership of Real Property

—Purchasing property from the City—

- Q.** I work for the City as a computer programmer/analyst for the Department of City Planning. I have submitted an application to purchase a single-family home from the City. My job has nothing to do with the sale or management of these homes, and the final selection is through a lottery. Is this a conflict of interest?
- A.** The City Charter states that the law will not prohibit a public servant, except for certain employees of certain agencies, from bidding on and purchasing City-owned property. Since you are not employed by any of those agencies, and since your department has nothing to do with selling or maintaining these buildings, and since the sale is held through a lottery system, there is no conflict here and you may proceed with your planned purchase.
- Q.** I am a Real Property Manager at the Department of Housing Preservation and Development. I want to purchase the house I am living in, which is owned by the City but is being sold through a program at my agency that gives tenants of small City-owned homes an opportunity to buy them. Is this permissible?
- A.** Most City employees are expressly not prohibited from making such a purchase. However, NYC Charter section 2604 (c) (7) states that *employees of HPD working in the Office of Property Management* (and certain other City employees) are specifically prohibited from bidding on and purchasing any City-owned real property, through a public auction or sealed bid sale, or from purchasing any City-owned residential building containing six or fewer units. As an employee of this particular office in your agency, you are prohibited from buying this property.

—Renting property to recipients of Public Assistance—

Q. I work in the personnel unit of the Human Resources Administration and own a 6-family apartment building. May I rent any of my apartments to public assistance recipients?

A. Yes. HRA employees generally may rent to people receiving public assistance, provided that you do not work in the Income Maintenance Center that handles that particular case or, if you do work in such a unit, that you are insulated from the particular case. Since you are not in any position to influence any decisions concerning the type or amount of any public assistance given to the renter, there is no conflict of interest here, and you may rent to recipients of public assistance. Similarly, HPD employees generally may rent to people receiving federal Section 8 funds, provided that they do not work in the unit handling rent subsidies or, if they do work in such a unit, that they are properly insulated from their tenant's case.

—Serving on co-op boards—

Q. I am an attorney in the Tort Division of the NYC Law Department. I would like to serve on the Board of Directors of the cooperative corporation, which owns the building I live in. As a Board member I would recuse myself from any direct dealings with the City. Is this permissible?

A. You may serve on the Board as long as you adhere to the following:

- ✓ You must perform all of your duties for the co-op on your own time.**
- ✓ You may not use your City position to obtain any private advantage for yourself, the co-op, or its shareholders.**
- ✓ You may not use City equipment or other City resources in connection with your work for the co-op.**
- ✓ You may not use or disclose confidential information concerning the City.**
- ✓ You may not be compensated for this work.**
- ✓ You may not represent the cooperative or its shareholders (other than yourself) before the City.**

- ✓ You may not have direct business dealings with the City for the coop board. However, you may have direct dealings with the City on behalf of your own co-op apartment.

Remember, each personal situation is different, and answers from the Board will vary based on the differences. The above hypothetical situations are typical of the questions brought before the Board. However, each answer, no matter how similar the situation, may not exactly apply to your particular situation. Contact the Board for a specific answer to your own personal situation. You should also ask your personnel office or counsel's office about your own agency's rules, which may be stricter than the Board's rules.

FOR ADDITIONAL INFORMATION, CONTACT
NEW YORK CITY CONFLICTS OF INTEREST BOARD
2 LAFAYETTE STREET, SUITE 1010
NEW YORK, NY 10007
212-442-1400 (TDD 212-442-1443)

OR VISIT THE BOARD'S WEB SITE AT
<http://nyc.gov/ethics>

6/04