

CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

2 Lafayette Street, Suite 1010
New York, New York 10007
(212) 442-1400; (212) 437-0705 (Fax)
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March 26, 2020

Commissioner Louise Carroll
New York City Department of Housing Preservation and Development
100 Gold Street
New York, New York 10038

Re: Conflicts of Interest Board Case No. 2020-047 (Kimberly Darga)

Dear Commissioner Carroll:

This is in response to your letter to the Conflicts of Interest Board (the “Board”), dated January 13, 2020, as well as additional communications between your agency and Board staff, designating, pursuant to Board Rules Section 1-13(e)(1), Kimberly Darga, an employee of the New York City Department of Housing Preservation and Development (“HPD”), to use City time and City resources to work for four organizations (collectively, the “Organizations”): the Restored Homes Housing Development Fund Corporation (“Restored Homes”), the Restoring Communities Housing Development Fund Corporation (“Restoring Communities”), Project Rebuild, Inc., and the New York City Energy Efficiency Corporation (“EEC”). You also request a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that Ms. Darga may take part in business dealings between the Organizations and the City.

Relevant Facts

You advise the Board that at HPD Ms. Darga is Associate Commissioner of Preservation in the Office of Development, responsible for overseeing the Preservation Finance and Property Disposition & Finance Divisions and implementing the Mayor’s housing plan to preserve 180,000 units of affordable housing.

You advise the Board that Restored Homes, Restoring Communities, Project Rebuild, and EEC are not-for-profit organizations that each have business dealings with the City to advance affordable housing initiatives. Restored Homes works with HPD to acquire, rehabilitate, and sell vacant City-owned homes to low- and moderate-income purchasers. Restoring Communities takes title to City-owned properties formerly managed by tenants under HPD’s Tenant Interim Lease Program and oversees their conversion into low-income cooperatives. Project Rebuild purchases homes substantially damaged by Hurricane Sandy, rehabilitates or demolishes the homes, and resells the properties for redevelopment. EEC finances energy-efficient buildings within the City, including affordable housing developments, and offers financing in partnership with HPD as part

of the Green Housing Preservation Program.

You further advise the Board that you were invited by Restored Homes, Restoring Communities, and Project Rebuild to appoint an HPD employee to serve as a voting member on those organizations' governing boards, and you have designated Ms. Darga. You further advise that the Mayor has appointed Ms. Darga as one of two *ex-officio* voting members of the EEC Board of Directors.

By your letter to the Board, you approve Ms. Darga's performing work for the Organizations as part of her HPD job and, in doing so, participating in the Organizations' business dealings with the City. You further state your belief that Ms. Darga's work for the Organizations furthers HPD's mission and that the collaboration between the Organizations and HPD fosters neighborhood stabilization and efficiently transitions properties from physical and financial abandonment to responsible third-party ownership.

Relevant Law

Charter Section 2604(b)(2), as interpreted in Board Rules Section 1-13, prohibits a public servant's use of City time or resources for non-City purposes.

Board Rules Section 1-13(e) provides that an agency head may designate a public servant to perform work on behalf of a not-for-profit corporation, association, or other such entity that operates on a not-for-profit basis, including serving as a board member or other position with fiduciary responsibilities, provided that: (i) there is a demonstrated nexus between the proposed activity, the public servant's City job, and the mission of the public servant's agency, and such work furthers the agency's mission and is not undertaken primarily for the benefit or interests of the not-for-profit; (ii) the designated public servant takes no part in the entity's business dealings with the City at the entity or at his or her agency; and (iii) within 30 days the written designation is disclosed to the Board and will be posted on the Board's website.

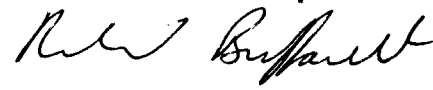
A public servant designated pursuant to Board Rules Section 1-13(e)(1) may take part in the entity's business dealings with the City at the entity and/or at his or her agency if, after written approval of the agency head, the Board determines that there is a demonstrated nexus between the proposed participation, the public servant's City job, and the mission of the public servant's agency; and that such participation furthers the agency's mission and is not undertaken primarily for the benefit or interests of the not-for-profit entity. See Board Rules Section 1-13(e)(2).

Advice

You are advised that, based on the above representations and your written approval, the Board has determined that there is a demonstrated nexus between Ms. Darga's City job, her proposed work for the Organizations, and the mission of HPD. The Board has also determined that Ms. Darga's additional participation in the business dealings between the City and the Organizations furthers HPD's mission. Accordingly, Ms. Darga may use City time and City resources to perform work for the Organizations and may be involved in these further business dealings between the Organizations and the City. See Board Rules Section 1-13(e)(2).

The advice conveyed in this letter is conditioned on the correctness and completeness of the facts supplied to us. If such facts are in any respect incorrect or incomplete, the advice we have given to you may not apply. If at any time you would like further advice based on a change of circumstances or additional information, please contact us.

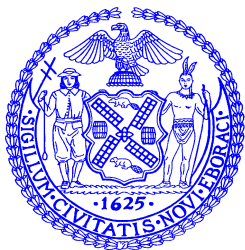
Very truly yours,

A handwritten signature in black ink, appearing to read "Richard Briffault". The signature is fluid and cursive, with a large initial "R" and a long, sweeping tail.

Richard Briffault
Chair

Fernando A. Bohorquez, Jr.
Anthony Crowell
Jeffrey D. Friedlander
Erika Thomas

cc: Donna M. Murphy
Kimberly Darga



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Commissioner Louise Carroll
New York City Department of Housing Preservation and Development
100 Gold Street
New York, New York 10038

Re: Conflicts of Interest Board Case No. 2020-052 (Elizabeth Oakley)

Dear Commissioner Carroll:

This is in response to your letter to the Conflicts of Interest Board (the “Board”), dated January 13, 2020 designating, pursuant to Board Rules Section 1-13(e)(1), Elizabeth Oakley, an employee of the New York City Department of Housing Preservation and Development (“HPD”), to use City time and City resources to work for three organizations (collectively, the “Organizations”): the Neighborhood Restore Housing Development Fund Corporation (“Neighborhood Restore”), the Preserving City Neighborhoods Housing Development Fund Corporation (“Preserving City Neighborhoods”), and the New York City Housing Partnership (the “Housing Partnership”). You also request a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that Ms. Oakley may take part in business dealings between the Organizations and the City.

Relevant Facts

You advise the Board that at HPD Ms. Oakley is Deputy Commissioner of the Office of Development, responsible for leading HPD’s implementation of the Mayor’s Housing Plan to create or preserve 300,000 units of affordable housing and for overseeing seven divisions within HPD: (1) Building & Land Development Services; (2) Housing Incentives; (3) Inclusionary Housing; (4) New Construction; (5) Preservation Finance; (6) Property Disposition & Finance; and (7) Special Needs Housing.

You advise the Board that Neighborhood Restore and its affiliate organizations, Preserving City Neighborhoods and the Housing Partnership, each have business dealings with HPD to develop abandoned properties in the City. Neighborhood Restore serves as an interim owner of properties subject to *in rem* foreclosure actions brought by the City through HPD’s Third Party Transfer program. Preserving City Neighborhoods is a vehicle for the City to acquire mortgage notes in neighborhoods at risk of blight to allow homeowners within the City to remain in their homes. The Housing Partnership administers inclusionary housing programs in the City and

secures public subsidies and private financing to construct low- and moderate-income housing in the City.

You further advise the Board that you were invited by each of the Organizations to appoint an HPD employee to serve as a voting member on the Organizations' governing boards. By your letter to the Board, you approve Ms. Oakley's performing work for the Organizations as part of her HPD job and, in doing so, participating in the Organizations' business dealings with the City. You further state your belief that Ms. Oakley's work for the Organizations furthers HPD's mission and that the collaboration between the Organizations and HPD fosters neighborhood stabilization and efficiently transitions properties from physical and financial abandonment to responsible third-party ownership.

Relevant Law

Charter Section 2604(b)(2), as interpreted in Board Rules Section 1-13, prohibits a public servant's use of City time or resources for non-City purposes.

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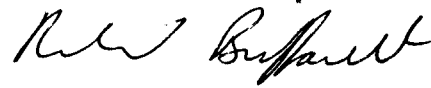
A public servant designated pursuant to Board Rules Section 1-13(e)(1) may take part in the entity's business dealings with the City at the entity and/or at his or her agency if, after written approval of the agency head, the Board determines that there is a demonstrated nexus between the proposed participation, the public servant's City job, and the mission of the public servant's agency; and that such participation furthers the agency's mission and is not undertaken primarily for the benefit or interests of the not-for-profit entity. See Board Rules Section 1-13(e)(2).

Advice

You are advised that, based on the above representations and your written approval, the Board has determined that there is a demonstrated nexus between Ms. Oakley's City job, her proposed work for the Organizations, and the mission of HPD. The Board has also determined that Ms. Oakley's additional participation in the business dealings between the City and the Organizations furthers HPD's mission. Accordingly, Ms. Oakley may use City time and City resources to perform work for the Organizations and may be involved in these further business dealings between the Organizations and the City. See Board Rules Section 1-13(e)(2).

The advice conveyed in this letter is conditioned on the correctness and completeness of the facts supplied to us. If such facts are in any respect incorrect or incomplete, the advice we have given to you may not apply. If at any time you would like further advice based on a change of circumstances or additional information, please contact us.

Very truly yours,

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Chair

Fernando A. Bohorquez, Jr.
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cc: Donna M. Murphy
Elizabeth Oakley