

NYCHA Resident Association Code of Conduct

Proposed – for discussion purposes only

A. Introduction

The role of a resident council is to improve the quality of life and resident satisfaction and participate in self-help initiatives to enable residents to create a positive living environment for families living in public housing. Resident councils may actively participate through a working partnership with the Housing Authority to advise and assist in all aspects of public housing operations.

Resident associations achieve these goals through a working partnership with the New York City Housing Authority ("NYCHA") and through their representation of residents' interests. Therefore, to foster effective and productive working relationships, NYCHA and the Citywide Council of Presidents ("CCOP") have adopted this code of conduct ("Code of Conduct") to establish appropriate standards of conduct for residents who hold an officer position in their Resident Association ("Office") including CCOP members (collectively, the resident association officers and CCOP members are referred to hereinafter as "Officers"). Officers shall abide by this Code of Conduct and shall carry out their official duties as Officers with respect, courtesy, and professionalism when working and interacting with fellow tenants and NYCHA employees alike. NYCHA employees are expected to carry out their respective duties in accordance with the NYCHA Human Resources Manual, including but not limited to NYCHA's General Regulations of Behavior.

This Code of Conduct does not apply to interactions or disputes exclusively between Non-Officer Residents.

B. Mandatory Reporting

An Officer who becomes aware of or receives a complaint of an alleged Code of Conduct Violation under the terms of this Code of Conduct must immediately report such conduct to NYCHA's Department of Equal Opportunity ("DEO").

C. Code of Conduct Standards

Officers shall comply with the following standards of conduct:

1. Shall not discriminate against any person on the grounds of race, color, religion/creed, ethnicity, national origin, sex (includes pregnancy), gender (includes both gender identity and gender expression), disability, sexual orientation, age, familial status, marital status, partnership status, lawful occupation, lawful source of income, military status, a lineage, or citizenship status, or on the grounds that a person is a victim of domestic violence, dating violence, sexual assault or stalking or in any violation of applicable federal, state, or local discrimination law or related regulations.
2. Shall not sexually harass anyone. Sexual harassment is defined as unwelcome sexual advances, requests or subtle pressure for sexual favors or other verbal or physical conduct of a sexual nature. Sexual harassment includes, but is not limited to:
 - i. scenarios in which submission to or rejection of such sexual conduct is either explicitly or implicitly made a term or condition of some benefit or

consequence, or in which such sexual conduct has the effect of unreasonably interfering with a person's work and/or daily life.

- ii. sexual harassment which creates an intimidating, hostile, or offensive work or living environment.
 - iii. sexual jokes, unwanted flirtations, innuendoes, advances or propositions.
 - iv. verbal abuse of a sexual nature.
 - v. graphic commentary about an individual's body. sexual prowess or sexual deficiencies.
 - vi. Leering, whistling, touching, pinching. assault, coerced sexual acts, or suggestive, insulting, or obscene comments or gestures; and/or
 - vii. the display of sexually suggestive objects or pictures including via e-mail communications.
3. Shall treat all NYCHA tenants and employees in a respectful, courteous, and professional manner.
 4. Shall not retaliate or attempt to retaliate against any person who has filed a complaint against an Officer under this Code of Conduct. participated in an investigation of an alleged violation of this Code of Conduct, or openly opposed any behavior by an Officer in violation of this Code of Conduct.
 5. Shall not record non-public meetings or private discussions with, between or among NYCHA employees or other residents but not limited to phone calls, except when all parties that participate in the meeting or discussion consent to such recording.
 6. Shall not provide false or misleading information to any department or office of NYCHA any government entity outside of NYCHA. or to any third-party investigator.
 7. Shall not interfere with or obstruct any investigation into alleged Code of Conduct Violations, by DEO or otherwise.
 8. Shall not create or be involved in conflicts of interest, private gains, or self-dealing. A conflict of interest is a situation in which a person derives a personal benefit or a benefit to "relative". household member or similarly close associate from actions or decisions made in their official capacity, which may or may not be at the expense of the resident association. A relative includes relatives by blood, marriage, domestic partnership or adoption, such as: for example. an Officer spouse, domestic partner, parent, siblings, children, grandchildren, mothers and fathers-in-law, brothers and sisters-in-law and sons and daughters-in law, as well as anyone who resides in an Officer's apartment. A benefit includes. without limitation, money, privileges, special advantages, gifts, and other items of value. Examples of conflicts of interest, private gains, and self-dealings include but are not limited to:
 - i. awarding contracts for services for the resident association to vendors who have a familial or business relationship with an Officer.
 - ii. using one's official capacity to grant favors or advantages to others in exchange for personal, professional, political, or monetary gain.
 - iii. soliciting or receiving compensation, financial or otherwise. from another person for serving as an Officer
 - iv. Solicitation or receipt of any material gift, gratuity, favor, entertainment, loan or any other thing of value for the Officer or the Officer's relatives from a person or

company who seeks a business or financial relationship with the resident association.

- v. Solicitation or receipt of preferential treatment for the Officer or the Officer's relatives through or as a result of the Officer's position as an Officer; and/or
 - vi. Use resident association property, services, and/or equipment for personal gain or benefit or for the gain or benefit of the Officer's relatives.
9. Shall not abuse his/her power. Abuse of power occurs when a person improperly uses or attempts to use their Officer status to promote their own self-interests above the interest of the residents, settle the Officer's own personal disputes, threaten someone or give others the false impression that one's Officer status equates to a legal, regulatory, or professional authority.
10. Shall not violate the Tenant Participation Activities (TPA) Funding Agreement as set forth in such Agreement which includes the following:
- i. The RA shall ensure that all expenditures of Funding will not contravene provisions of law and will promote serviceability, efficiency, economy, and stability in the operation of the Development. The RA shall only use the Funding for approved Eligible TPAs, as approved by NYCHA in the approved Annual Spending Plan and approved Proposals. In the event the RC makes expenditures in violation of this Agreement, the RC shall be subject to appropriate remedies, which may include reimbursement of the improperly spent funds and/or reduction(s) of the RC's future Funding allocation(s).
 - ii. Based upon the Annual Allocation, the RA shall draft a proposed Annual Spending Plan for the next Fiscal Year, which it shall submit to its membership for review, feedback, and approval. Upon receiving approval of the proposed Annual Spending Plan from its membership, the RA shall submit the proposed Annual Spending Plan, and all other documentation required by NYCHA for review and approval. The RC may not make any changes to the approved Annual Spending Plan without obtaining prior, written approval from NYCHA.
 - iii. For each activity listed in the RA's approved Annual Spending Plan, the RA shall submit Proposals to NYCHA for NYCHA's review and approval. The Proposals must describe the TPA, itemize all expenses associated with the TPA, and document the procurement process for each expense, in accordance with the requirements of this Agreement, including but not limited to the TPA Guidebook.
 - iv. If the RA opts to use a Commercial Card (defined below) to pay for expenses, as set forth in this Agreement, including but not limited to the TPA Guidebook, then the RA shall submit its Proposals on a quarterly basis, at least 30 calendar days before the beginning of each quarter for all TPAs proposed for the upcoming quarter.
 - v. If the RA opts not to use a Commercial Card, then the RA shall submit Proposals for each TPA to NYCHA at least 30 calendar days before the TPA is scheduled to take place.
 - vi. The RA must receive NYCHA's approval of its Proposal prior to incurring any expenses for a TPA included in its approved Annual Spending Plan. If the RC fails

to obtain NYCHA's prior approval, NYCHA will not issue any payments to vendors. The RC shall be responsible for paying unapproved expenses with funds other than those granted by HUD or NYCHA.

- vii. The RA shall create and keep all accounts, ledgers and reports according to a Fiscal Year that begins on the first day of January.
 - viii. The RA shall establish and maintain its own commercial bank account (the "Account") for the purpose of receiving and disbursing funds.
11. Shall not violate the Resident Association Space Agreement as set forth in such Agreement which includes the following:
- i. The Resident Association shall be authorized to use the space only for meetings related to RA business, office space for use by all officers of the RA, and storage for RA business records and supplies.
 - ii. The Resident Association shall take reasonable precautions to safeguard the keys and not copy or distribute them to anyone else.
 - iii. The Resident Association shall allow access to space upon prior written notice from NYCHA or in an emergency situation.
 - iv. The Resident Association shall not install any electrical appliances including cameras and ring video doorbells without prior written approval from NYCHA.
 - v. The Resident Association shall not use the space for sale of consumption of alcoholic beverages, gambling, sales promotions, partisan political activities, illegal activity, fundraising unless for NYCHA resident, rental of RA space, parties and celebrations with the exception of repass events with permission of property manager.
 - vi. The Resident Association shall not make any alterations to the space.
12. Shall uphold the Resident Association bylaws as it pertains to the following:
- i. Holding fair and frequent elections at minimum every three years
 - ii. Holding regular meetings with all residents of the development at minimum once per month
 - iii. Sharing information during meetings regarding the efforts of the Resident Association and use of any expenses awarded to the association through Tenant Participation Activity (TPA) funds, Councilmatic Funds, or other grants
 - iv. Enabling all members of the Resident Association to be engaged in the affairs of the Resident Association in accordance with the office they have been elected to serve in

D. Violation of the Code of Conduct

- 1. In the event that a Resident Association Officer is found to be in violation of the above Code of Conduct NYCHA may issue a warning noting the extent and details of the violation and allow the RA to re-establish compliance.
- 2. In extenuating circumstances such as those involving an external investigation, a warning may not be applicable.
- 3. Continued violation may result in withdrawal of recognition by NYCHA for a period of up to five years.

4. Resident Association Officers will be provided the opportunity to appeal in writing to any claims of misconduct cited by NYCHA.