INFORMATIONAL LETTER  TRANSMITTAL: 94 INF-40

TO: Commissioners of Security Social Services

DATE: August 19, 1994

SUBJECT: Microenterprises and Public Assistance Recipients

SUGGESTED DISTRIBUTION: Public Assistance Staff Food Stamp Staff Employment Staff Cap Coordinators Staff Development Coordinators

CONTACT PERSON: PA: Jeffrey Gaskell at 1-800-343-8850, extension 4-9343 FS: County Representatives, extension 4-9225


FILING REFERENCES

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DSS-329EL (Rev. 9/89)
The purpose of this letter is to inform social services districts (SSDs) of the various incentives available to public assistance (PA) applicants/recipients to become or remain small business owners through the removal of barriers to small businesses. The Department encourages SSDs to assist clients in the development of small businesses or microenterprises as one way of promoting work effort under the Jobs FIRST philosophy. The policy in this INF can be found in the PASB referenced on page one of this release.

Background

Historically, small business owners who were experiencing difficulties were required under Department regulation 352.12(a) to liquidate business resources and assets over the $1,000 resource limit prior to becoming eligible for public assistance. These businesses often had the fundamentals for a potentially successful enterprise but the assets were sold off for the purpose of maintaining the basic necessities for the owner and his/her family. This was required prior to acceptance for public assistance.

Many operators of small businesses may need temporary assistance only while their business gets off the ground. Microenterprises generally take three to five years to thrive. By incubating these businesses and giving them an appropriate chance to get started, there is an incentive for a small business to be initiated, to survive and become self-sufficient.

A number of opportunities currently exist under Department regulations to support microenterprises. With appropriate assistance and guidance from the SSD, small business owners will find encouragement to start and maintain a self-sufficient microenterprise.

Existing Regulations

We encourage districts to use the following options to help small businesses grow and become self-sufficient, thereby reducing the need for further public assistance:

- Use of the Home Relief (HR) plan of self-support. Department regulation 352.20(f) allows for the exemption of income and resources for up to one year for HR recipients who submit a plan as to how this income will be used. (If the HR recipient does not have a plan but does have a general interest in starting a business, a referral to one of the sources in Attachment B might be helpful.) Under this plan, HR recipients can purchase items relating to their work by saving funds to do so. In the effort to encourage self-sufficiency, this Department recommends that districts approve microenterprise related plans submitted by HR recipients under this regulation as an incentive to become employed and self-sufficient.
Example 1

Ms. Green runs a small beautician practice out of her home. Her business has not succeeded as she had hoped due to the limited equipment in her shop and she now finds herself on HR. Ms. Green tells her worker that if she had two more hair dryers she could increase her business and end her need for PA. Her worker suggests that if she puts together a plan to purchase this equipment with any income that she saves, then her income will not be counted or budgeted towards her PA grant for up to one year, providing she follows through with the plan. Ms. Green puts together a plan that has her saving enough money within four months to purchase the equipment. Her worker agrees to the plan and does not budget her earnings from her work during this four month period. Shortly thereafter, Ms. Green is off PA and has a successful beautician practice due to the addition of the two hair dryers she was able to purchase a month earlier.

Example 2

Mr. Constanza is a licensed real estate agent and broker who is planning on opening a Real Estate agency within the next year. Unfortunately for Mr. Constanza he has fallen on hard times and lost his good paying job as an agent, when the company he worked for failed due to poor management. He has taken a temporary job working 20 hours per week at $5.00 a hour. In order for Mr. Constanza to start his business he needs to save up some investment capital. He is currently a HR case and when he mentions his idea to his worker, the worker encourages Mr. Constanza to put together a plan to open the business. The worker informs him that $90 of his current earned income will be disregarded in the budgeting of his monthly grant, and that, under the HR plan of self-support he must set aside his net earned income as well as any other income he is able to save during the next one year period. Mr. Constanza saves hard and averages $325 saved per month. By the end of the year Mr. Constanza has saved $3,900 which has not counted against his PA case for the entire year. Mr. Constanza opens up his Real Estate agency with the money he has saved and begins his new career off public assistance and completely self-sufficient.

Exclusions of business equipment and tools from the $1,000 resource limit for PA and $2,000/$3,000 limits for FS. Department regulation 352.23(b)(7), exempts income-producing property from the PA $1,000 resource limit, when the property is in use or reasonably expected to be used for the client's livelihood in the near future. (For food stamps, property or work related equipment which is essential to the employment or self-employment of a household member is excluded as a resource.) This PA exclusion is meant for:

- business and farm equipment, this includes vehicles which are in the name of the business;
- tools used for employment;
- livestock and produce.
Example

Mr. Sanders is a mechanic. Unforeseen circumstances left him out of work and on PA. It appears that Mr. Sanders may eventually be able to begin work again as a mechanic. Since selling off his tools would be counterproductive to getting Mr. Sanders off PA, his worker allows him to keep the tools and excludes their value from the resource limit calculation. This will allow Mr. Sanders to begin work again without having to re-purchase these tools and enable him to become a self-sufficient, productive member of the workforce.

- Use of an accrual method of accounting for PA and the use of the PA supplementation process under the Quarterly Reporting System (QRS) rules. The accrual method of budgeting allows for expenses related to producing the goods and services to be deducted from self-employment earnings when the expenses are incurred. For Quarterly Reporting purposes, this budgeting methodology would be done over a three month period, allowing for the brief accumulation of income to be used for an expense during the quarter. These expense deductions are promulgated in Department regulation 352.17(b)(2).

Supplementation of income is allowed under Department regulation 352.31(c) and should be considered for those individuals who operate a small business and experience a temporary loss of income which was beyond the recipient's control as explained in 93 ADM-9.

Any PA supplements authorized are not to be budgeted as income for food stamps.

- Promote family day care as a microenterprise. Pursuant to Department regulation 352.22(h) and 628.3(f)(3), recipients may choose to provide family day care as a means to becoming self-sufficient. By becoming family day care providers, group day care providers or informal child care providers, these PA recipients can enter the work force, reduce or eliminate their need of public assistance and achieve self-sufficiency. Family day care providers have various incentives available to them such as:
  - Family day care provider income exemption. In addition to the usual work-related deductions from earned income, recipients who become family day care providers will have $5 per day per child of their income disregarded for both PA and FS (unless the household documents higher costs). This disregard is to help offset the expenses the recipient incurs in providing care (i.e. snacks, toys, materials, etc.).

Examples of day care situations and specifics on the various special incentives for day care providers to become regulated can be found in 91 INF-29. An updated listing of Day Care Start-Up Administrative Agencies can be found in Attachment A to this INF.
Excluding business loans. Pursuant to Department regulation 352.22(c), bona fide loans (including business loans) may be excluded for ADC recipients. Disregarding business loans will give these recipients the opportunity to establish their business without the threat that loans for business expenses will be budgeted against their PA grant. This will in turn encourage ADC recipients to seek out the necessary funding required to establish and maintain a small business. Examples of bona fide loans and budgeting methodology can be found in 92 ADM-43.

In addition, Department regulation 352.16 allows for the exemption of earmarked loans from the income calculation or the resource limit for HR recipients. This exemption of loans is reserved for those loans which are limited to a specified purpose. These loans must be reviewed carefully to determine whether or not they are to be utilized for their intended purpose. These loans may assist HR recipients with the establishment of a small business or to keep a business operational.

Department regulation 387.11(g) excludes from consideration as income for FS purposes all loans (other than educational) on which payment is deferred.

Child care availability. Child care is available to support self-employment. Individuals who are self-employed are programmatically eligible to receive child care assistance, regardless of whether their self-employment occurs in their own homes or outside of their residences. As with all employed individuals, the amount of child care which may be authorized must be reasonably related to the hours of the employment, allowing time for transportation to and from the child care provider.

Employed recipients of public assistance who have child care expenses in order to maintain their employment are entitled to have the child care disregard applied when their grants are calculated. When a recipient is using a regulated child day care provider or a caregiver who is legally exempt from regulation and the actual child care charges exceed the child care disregard, the social services district must issue a child care supplement for the difference between the amount disregarded and the cost of the child care. Such supplemental payments are calculated automatically by ABEL and are capped by the local market rates for child care.

A recipient of public assistance who is starting a microenterprise and does not yet have earnings to be budgeted, and therefore is not eligible to receive the child care disregard and the child care supplement, may be able to receive child care assistance through the Child Care and Development Block Grant (CCDBG). Such assistance is subject to the availability of funds from the social services district's capped CCDBG allocation.

Public assistance recipients who are interested in starting a microenterprise should be reminded that when their business succeeds and they become ineligible for PA, they may be eligible to receive Transitional Child Care for up to 12 months.
Organization of the client's microenterprise. By assisting the recipient with information relating to formalizing the business, the recipient will be able to better manage the business. The business operation will also appear more stable to customers and creditors. Possible steps that could be taken are the establishment of a business account, the development of a business plan, the securing of a business operating certificate (DBA) or even incorporation in some instances. Attachment B has a listing of agencies and programs which may be able to assist PA clients with the indoctrination into the business environment and provide technical assistance during the incubation period including assistance in calculating business expenses and net profits.

Use of forms and other resources for calculating self-employment. Traditionally, recipients who are self-employed have had to provide the SSD with business records, tax records and any other information relating to their business' expense in order to prove eligibility for public assistance and food stamps. SSDs have had the difficult task of making sense out of the various accounting and business practices in order to establish this eligibility. Some SSDs have chosen to create forms for the central collection of the various business information. Attachment C is a form which was developed for the purpose of capturing the relevant information relating to businesses owned by PA recipients. This Department encourages use of this form for this purpose as a way of dealing with the complexities of business income. Another idea is to have designated workers specialize in handling these cases (as well as other earned income cases in general). The types of organizations listed in Attachment B may be able to assist SSD's and clients in preparing documentation for and calculating business income. Additional resources, such as college interns or retired executives may be available locally.

Amendments to Regulations

This Department is currently looking at ways to amend current regulations to eliminate additional barriers to microenterprises. The purpose of these proposed amendments is to assist client initiated microenterprises by providing an incubation period for these businesses. Some of the things being explored are:

- Amending Department regulation 352.12(a) to allow for a three to five year incubation period for the microenterprise before a determination of the success of the business is made.

- Amending Department regulation 352.17(b) to conform the definition of business expenses to the equivalent federal ADC regulation. This change will allow for a more liberal interpretation of business expenses.

- Amending Department regulation 385.2(b)(11) to support the change to 352.12(a) and allow exemptions to the employment requirements during this three to five year incubation stage.
Waivers of the Regulations

The Department has applied for federal waivers to facilitate small business development. These waivers would:

- Permit income to be set aside and retention of assets for future business expansion;
- Exclude personal vehicles used for business purposes; and
- Exclude payments for capital equipment and durable goods or the payments on loans for such purposes.

We will keep SSDs informed of further developments in policy regarding microenterprises.

______________________________
Oscar R. Best, Jr.
Deputy Commissioner
Division of Economic Security
This list replaces the attachment to 91 INF-29.

REGION 1

Ms. Marlene A. Babchak, Director
ALLEGANY COUNTY COMMUNITY OPPORTUNITIES
AND RURAL DEVELOPMENT (ACCORD)
84 SCHUYLER STREET - PO BOX 573
BELMONT, NY 14813
(716) 268-7605

Ms. Maureen DeJohn
CHAUTAUQUA OPPORTUNITIES, INC.
BOX B 188 SOUTH ERIE STREET
MAYVILLE, NY 14757
(716) 366-3333

Ms. Peg Agnello Kulu, Interim Director
CHILD CARE COALITION OF THE NIAGARA FRONTIER, INC.
2254 MAIN STREET
BUFFALO, NY 14214
(716) 835-8283

Ms. Diane Ballard, Director
BUFFALO COALITION OF HOME DAY CARE PROVIDERS, INC.
43 NORTHAMPTON STREET
BUFFALO, NY 14209
(716) 885-2300

REGION 2

Ms. Annie F. Barker, Director of Education
WESTERN NEW YORK CHILD CARE COUNCIL
1344 UNIVERSITY AVENUE
ROCHESTER, NY 14607
(716) 244-3960

Ms. Carol Stevens, Director
SCHUYLER CO. CHILD CARE COORDINATING COUNCIL
208 BROADWAY
MONTOUR FALLS, NY 14865
(607) 535-7964

Ms. Nancy Stanton Multer, Director
MIDDLESEX VALLEY CHILD DEVELOPMENT CTR.
12 GILBERT STREET, BOX 594
RUSHVILLE, NY 14544
(716) 554-6846/554-6890
REGION 3

Ms. Rene Hettich
BROOME COUNTY CHILD DEVELOPMENT
COUNCIL, INC.
29 FAYETTE STREET, POB 880
BINGHAMTON, NY 13902-0880
(607) 723-8313

Ms. Ellen Monsin
CHILD CARE COUNCIL OF THE FINGER
LAKES, INC.
248 GRANT AVENUE
AUBURN, NY 13021
(315) 255-6994

Ms. Paula Mello, Director
COMMUNITY ACTION PLANNING COUNCIL
OF JEFFERSON COUNTY, INC.
518 DAVIDSON STREET
WATERTOWN, NY 13601
(315) 482-4900

Ms. Susan Messenger, Program Director
MID-YORK CHILD CARE COORDINATING COUNCIL
C/O CORNELL COOPERATIVE EXTENSION
121 SECOND STREET
ORISKANY, NY 13424
(315) 736-3394

Ms. Peggy Minsch
ONONDAGA COUNTY CHILD CARE COUNCIL, INC.
215 BASSETT STREET
SYRACUSE, NY 13210
(315) 472-6919

Mrs. Mary Hutchinson, Executive Director
COUNTY OF OSWEGO CHILD CARE COUNCIL
PO BOX 3046, 156 WEST SECOND STREET
OSWEGO, NY 13126
(315) 343-2344

REGION 4

Ms. Dianne Meckler, Executive Director
CAPITAL DISTRICT CHILD CARE COORDINATING COUNCIL
91 BROADWAY
ALBANY, NY 12204
(518) 426-7181
Ms. Chris Lashway, Day Care Director  
JOINT COUNCIL FOR ECONOMIC OPPORTUNITY  
54 MARGARET STREET  
PLATTSBURGH, NY 12901  
(518) 561-6310

Ms. Debi Stec. Co-Director  
DELAWARE OPPORTUNITIES, INC.  
47 MAIN STREET  
DELHI, NY 13753  
(607) 746-2165

Ms. Linda Depo, Development Director  
COMMITTEE FOR ECONOMIC IMPROVEMENT  
14 FRONT STREET  
KEESEVILLE, NY 12944  
(518) 834-7205

Ms. Marci Brunswick, Program Director  
CATHOLIC CHARITIES OF DELAWARE & OTSEGO COUNTIES  
9 SOUTH MAIN STREET  
ONEONTA, NY 13820  
(607) 432-0061

Ms. Lynn Sickles, Executive Director  
SOUTHERN ADIRONDACK CHILD CARE NETWORK  
WASHINGTON CO. MUNICIPAL CENTER  
UPPER BROADWAY  
FORT EDWARD, NY 12828  
(518) 746-2349

REGION 5

Dr. Reva Gershen Lowy, Asst. Exec. Director  
MOSHOLU MONTEFIORRE COMMUNITY CENTER, INC  
3450 DE KALB AVENUE  
BRONX, NY 10467  
(718) 882-4000

Ms. Patricia Eberle, Director  
CARDINAL MC CLOSKEY SCHOOL AND HOME FOR CHILDREN  
349 EAST 149TH STREET, 9TH FLOOR  
BRONX, NY 10451  
(718) 402-0081

Ms. Elba Belez  
BRONX COMMUNITY COLLEGE CHILD DEVELOPMENT CENTER  
2205 SEDGWICK AVENUE  
BRONX, NY 10468  
(718) 367-8882
Ms. Girlie B. Mootoo  
ST. PETER'S CHILD CARE NETWORK  
741 EAST 219TH STREET  
NEW YORK, NY  10467  
(718) 515-5065

Ms. Olivia Lorch-Jaffee, Program Director Early Childhood Educ.  
KINGS BAY YM-YWHA  
3495 NOSTRAND AVEUNE  
BROOKLYN, NY  11229  
(718) 648-7703

Ms. Denyse James, Director FDC  
FRIENDS OF CROWN HEIGHTS FAMILY DAY CARE CENTER #2  
671 PROSPECT PLACE  
BROOKLYN, NY  11216  
(718) 638-8686

Mr. Toby Sanchez, Executive Director  
FLATBUSH EAST COMMUNITY DEVELOPMENT CORP  
1814 NOSTRAND AVENUE  
BROOKLYN, NY  11226  
(718) 469-0400

Ms. Freddie Hamilton  
CHILD DEVELOPMENT SUPPORT CORPORATION  
1119 BEDFORD AVENUE  
BROOKLYN, NY  11216  
(718) 398-2050

Ms. Joanne M. Oplistil, Executive Director  
CHURCH AVENUE MERCHANTS BLOCK ASSOC, INC (CAMBA)  
1720 CHURCH AVENUE, 2ND FLOOR  
BROOKLYN, NY  11226  
(718) 287-2600

Mr. Paul Mak  
BROOKLYN CHINESE-AMERICAN ASSOCIATION  
5313 8TH AVENUE  
BROOKLYN, NY  11220  
(718) 438-9312

Mr. Jean Claude Belizaire  
FLATBUSH HAITIAN CENTER  
2211 CHURCH AVENUE - SUITE 310  
BROOKLYN, NY  11226  
(718) 693-5700

Ms. Sandra Forse Barnett  
BROOKWOOD CHILD CARE aka ORPHAN ASYLUM SOCIETY OF BROOKLYN  
25 WASHINGTON STREET  
BROOKLYN, NY  11201  
(718) 596-5555
Mr. Roberto Robreno, Asst. Deputy Director  
MIRACLE MAKERS, INC.  
115-117 RALPH AVENUE  
BOOKLYN, NY 11221  
(718) 385-2273  

Ms. Nora Newby  
THE SALVATION ARMY  
BROWNSVILLE FAMILY DAYCARE CAREER PROGRAM  
132 WEST 14TH STREET  
NEW YORK, NY 10011  
(718) 498-0146/498-0147  

Ms. Nancy Kolben, Deputy Director  
CHILD CARE, INC.  
275 SEVENTH AVENUE  
NEW YORK CITY, NY 10001  
(212) 929-7604  

Ms. Barbara Stern, Executive Director  
LOWER EAST SIDE FAMILY RESOURCE CENTER  
137 EAST 2ND STREET  
NEW YORK, NY 10009  
(212) 677-6602  

Ms. Cordelia Grant McNish, Asst. Executive Director for Day Care Svcs.  
SHELTERING ARMS CHILDREN'S SERVICE  
122 EAST 29TH STREET  
NEW YORK CITY, NY 10016  
(212) 679-4242  

Ms. Rammani Wan or Mr. John Colon/Coordinator & Asst.  
HAMILTON-MADISON HOUSE, INC.  
50 MADISON STREET  
NEW YORK CITY, NY 10038  
(212) 962-3412  

Ms. Alice Younger, FDC Coordinator/Asst. Director  
RIVERSIDE EDGEcombe NEIGHBoRHOOD ASSOC. (RENA)  
639 EDGEcombe AVENUE  
NEW YORK CITY, NY 10032  
(212) 795-4444  

Reverend Michael Caine, Executive Director  
THE LIVING HOPE FAMILY DAY CARE NETWORK  
161 E. 104TH STREET  
NEW YORK CITY, NY 10029  
(212) 427-2431  

Ms. Annice Alt  
DAY CARE COUNCIL OF NEW YORK, INC.  
110 EAST 34TH STREET  
NEW YORK, NY 10016  
(212) 213-2423
Ms. Carmen Sepulveda  
ST. CHRISTOPHER'S JENNIE CLARKSON CHILD CARE SERVICES, INC.  
690 AMSTERDAM AVENUE  
NEW YORK, NY 10025  
(212) 865-4104

Ms. Sandra M. Watson, Sr. Admin.  
RESEARCH FOUNDATION ON BEHALF OF LA GUARDIA COMMUNITY COLLEGE  
31-10 THOMSON AVENUE  
LONG ISLAND, NY 11101  
(718) 482-5351

Mrs. Ann C. Deinhardt  
SOCIETY FOR SEAMEN'S CHILDREN  
25 HYATT STREET  
STATEN ISLAND, NY 10303  
(718) 447-8369

Ms. Josie Duckett, Director PPD  
FAMILY SUPPORT SYSTEMS UNLIMITED, INC.  
2530 GRAND CONCOURSE, 2ND & 3RD FLR.  
BRONX, NY 10458  
(718) 220-5400

REGION 6

Ms. Ellen Wild, Executive Director  
DUTCHESS COUNTY CHILD DEVELOPMENT COUNCIL, INC.  
53 ACADEMY STREET  
POUGHKEEPSIE, NY 12601  
(914) 473-4141

Ms. Anne B. Leo  
CHILD CARE COUNCIL OF ORANGE COUNTY, INC  
11 BENNETT STREET  
MIDDLETOWN, NY 10940  
(914) 342-6109

Ms. Margaret M. Maraia, Executive Director  
PUTNAM COUNTY CHILD CARE COUNCIL  
73 GLENEIDA AVENUE  
CARMEL, NY 10512  
(914) 228-1994

Ms. Phyllis Helbraun, Executive Director  
ROCKLAND COUNCIL FOR YOUNG CHILDREN  
185 NORTH MAIN STREET  
SPRING VALLEY, NY 10977-4108  
(914) 425-0009
Ms. Ursula Lehmann
NEW SQUARE COMMUNITY IMPROVEMENT COUNCIL
766 NORTH MAIN STREET
NEW SQUARE, NY 10977
(914) 354-5976

Ms. Patricia Kennedy, Executive Director
CHILD CARE COUNCIL SULLIVAN COUNTY, INC.
WIC BUILDING INFIRMARY ROAD/PO BOX 864
LIBERTY, NY 12754
(914) 292-7166

Ms. Eileen Hall, Team Leader
FAMILY OF WOODSTOCK, INC.
PO BOX 3516 – 39 JOHN STREET
KINGSTON, NY 12401
(914) 331-7080

Ms. Lottie Harris, FDC Coordinator
CHILD CARE COUNCIL OF WESTCHESTER, INC.
470 MAMARONECK AVENUE
WHITE PLAINS, NY 10605
(914) 761-3456

REGION 7

Ms. Gloria Wallick, Executive Director
DAY CARE COUNCIL OF NASSAU COUNTY, INC.
54 WASHINGTON STREET
HEMPESTEAD, NY 11550-4029
(516) 538-1362

Ms. Hester Roberts
FAMILY DAY CARE ASSOCIATION OF NEW YORK, INC.
111 ALABAMA AVENUE
HEMPESTEAD, NY 11550
(516) 481-9752

Ms. Sherry Radowitz
CHILD CARE COUNCIL OF SUFFOLK, INC.
OLD FARMS SCHOOL
60 CALVERT AVENUE
COMMACK, NY 11725
(516) 462-0444
# MICROENTERPRISE REFERRAL LIST

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<td>340 First Street</td>
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<tr>
<td>Albany, NY 12206</td>
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<tr>
<td>315-475-4822</td>
<td>518-372-3346</td>
</tr>
<tr>
<td>(helps in forming cooperatives)</td>
<td>(referrals must live in</td>
</tr>
<tr>
<td></td>
<td>public or Section 8 housing)</td>
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<thead>
<tr>
<th>Assosiation for Economic Advancement of Our New York Women</th>
<th>Office of Urban Initiatives</th>
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<tbody>
<tr>
<td>Dina Michel-Jeune</td>
<td>Dr. Taylor</td>
</tr>
<tr>
<td>1491 St. John's Place-1C</td>
<td>101 C-Fargo Building #1</td>
</tr>
<tr>
<td>Brooklyn, NY 11213</td>
<td>Ellicott Complex</td>
</tr>
<tr>
<td>718-493-4776</td>
<td>Buffalo, NY 14261-0014</td>
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<tr>
<td></td>
<td>716-829-2306</td>
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</tbody>
</table>

| Kevin Hennessy/Jose Cruz                           | SENSES                        |
| 110 Exchange Street                                 | Patti Croop                   |
| Geneva, NY 14456                                    | 275 State Street             |
| 315-781-3287                                         | Albany, NY 12210             |
|                                                      | 518-463-5576                 |
|                                                      | (statewide referral)         |

<table>
<thead>
<tr>
<th>WORC</th>
<th>Accord Corp.</th>
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<tbody>
<tr>
<td>Maria Brobst</td>
<td>Charles Kalthoff</td>
</tr>
<tr>
<td>1420 College Avenue</td>
<td>84 Schuyler Street</td>
</tr>
<tr>
<td>Elmira, NY 14901</td>
<td>Belmont, NY 14813</td>
</tr>
<tr>
<td>607-737-5212</td>
<td>716-268-7605</td>
</tr>
</tbody>
</table>
PODER, Inc.
Manuel Allende
73 Carpenter Avenue
Newburgh, NY 12550
914-561-8191

ALBANY-COLONIE CHAMBER OF COMMERCE
Madeline B. Dolan, Program Manager
One Computer Drive South
Albany, NY 12205
518-458-9851
Albany, Town of Colonie &
Rensselaer County

THE SOUTH BRONX OVERALL
ECONOMIC DEVELOPMENT CORP (SOBRO)
Cheryl Smith, Program Director
370 East 149th Street
Bronx, NY 10455
718-292-3113
Bronx County

ORANGE-ULSTER BOCES
Ann Meres, Program Director
R.D. 2, Goshen Road
Goshen, NY 10924
914-342-0257
Newburgh, Orange County & the
Mid-Hudson Valley

LOCAL DEVELOPMENT CORPORATION
OF EAST NEW YORK: THE BASE
PROGRAM
Sherry Roberts, Program Director
116 Williams Avenue
Brooklyn, NY 11207
718-385-6700
East New York, Brownsville &
Brooklyn

HOFSTRA UNIVERSITY
Judith Tyne, Program Director
University of Continuing
Education
Davison Hall 208
110 Hofstra University
Hempstead, NY 11550
516-463-5737
ADIRONDACK ECONOMIC DEVELOPMENT
CORP.
Jamie White, Program Director
PO Box 747 Trudeau Road
Saranac Lake, NY 12983
518-891-5523
Franklin, Essex & Clinton County
Adirondack Park Region

INTERRACIAL COUNCIL FOR BUSINESS OPPORTUNITY
Lorraine Kelsey, Vice President
51 Madison Avenue
New York, NY 10010
212-779-4360
Manhattan, Bronx & Westchester County

QUEENS COUNTY OVERALL ECONOMIC DEVELOPMENT CORP.
Joseph Chan, Associate Director
90-04 161st Street
Suite 801
Jamaica, NY 11432
718-262-8383
Queens County

URBAN LEAGUE OF ROCHESTER
Bonnie Flagg, Divisional Manager
115 Tremont Street-Door #4
Rochester, NY 14608
716-436-4377
Monroe County

Workshop In Business Opportunities
23 Gramercy Park South
New York, NY 10003
Business Service Provider
(212)982-6925
(Entrepreneurial Training)

Child Development Support Corp.
1213 Fulton Street
Brooklyn, NY 11216
Service Provider
(718)398-6738
(Child Care Training)

Small Business Development Corporation
Kingsboro Community College
2001 Oriental College
Brooklyn, NY 11218
Service Provider
(718)368-4619
(Business Services)