

Policies and Procedures

Effective 03/29/2019

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Notice of any meeting of the Board of Directors shall be given at least seven (7) days prior thereto by telephone, by written notice delivered personally, or sent by mail, electronic mail or telegram to each member of the Board of Directors at his or her address as shown by the records of the Corporation. If mailed, such notice is considered delivered when deposited in the United States mail in a sealed envelope so addressed, with postage thereon prepaid. If notice is given electronically, such notice is considered delivered upon successful transmission of such electronic communication. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except when a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board is required to be specified in the notice or waiver of notice of such meeting, unless specifically required by law or by these Bylaws.

1. . tuorum

One third (1/3) of the elected Directors in office shall constitute a quorum for the transaction of business at any meeting of the Board of Directors. The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by the Bylaws.

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No member of the Board of Directors may delegate his or her vote to another person.

1. Compensation

Directors shall not be compensated for their services to the Continuum of Care. However, travel, per diem, meals, or other related expenses incurred to carry out duties as a Director may be reimbursed or paid for by MDHA.

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1.6 Removal

A member of the Board of Directors may be removed by a vote of a majority of the Board of Directors in office.

1.7 Resignation

Any Director may resign at any time upon giving written notice to the Chairperson of the Board of Directors.

1.8 Conflicts of Interest

It is the responsibility of each member of the Board of Directors to make full disclosure to the Board of Directors concerning any actual or potential conflicts of interest in any matter that is the subject of business before the Board of Directors. No member of the Board of Directors may vote on any matter in which he or she has any actual or potential conflict of interest; provided however, members of the Board of Directors or committee members with a conflict or potential conflict may be counted in determining the presence of a quorum at a meeting of the Board of Directors or of a Committee which authorizes such contract or transaction. Board members shall disclose in writing to the Board of Directors any persons to whom they are closely related or organizations with which they are affiliated who or which presently transact business with the Corporation or might reasonably be expected to do so in the future. Each disclosure shall be updated and resubmitted on a yearly basis. An affiliation with an organization shall be considered to exist if a member of the Board of Directors, or a member of his or her immediate family or close relative, is an officer, director, trustee, partner, employee or agent of the organization, or has any substantial interest or dealing with the other organization. Closely related persons shall include, in addition to spouses, children, siblings, and blood relatives.

1.8.1 Arms Length

No contract or transaction between the CoC and any of its Directors, Officers, or Board committee member, or between the CoC and any other corporation, partnership, association or other organization in which any Director, Officer, or Board committee member of the Corporation is a director, officer, or trustee or has a financial interest, shall be void or voidable solely for this reason, or solely because such Director, Officer, or Board committee member is present at or participates in the meeting of the Board of Directors or committee thereof which authorizes such contract or transaction, or solely because the vote of such Director, Officer, or Board committee member is counted for such purposes, if:

- A. The material facts as to the relationship or interest of such Director, Officer, or Board committee member, and as to such contract or transaction are disclosed to or are known by the Board of Directors or such committee, and the Board of Directors or such committee in good faith and with ordinary care authorizes such contract or

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transaction by the affirmative vote of a majority of the disinterested Directors, even though the disinterested Directors be less than a quorum; or

- B. Such contract or transaction is fair as to the CoC as of the time it is authorized, approved or ratified by the Board of Directors or such committee.

1.9 Continuum of Care Program Grant and Emergency Solutions Grant Allocation

If a Director also represents, is an applicant, sub-recipient, or contractor of a CoC Program Grant-funded project or a Texas Department of Housing and Community Affairs (TDHCA) Emergency Solutions Grant (ESG)- funded project, he or she is prohibited from making comment or voting on the Performance Review and Allocations Committee (PRAC) reports and decisions.

1.10 CoC Board Committees

The CoC Board of Directors may establish by resolution, such committees as it may deem appropriate to carry out CoC Planning Activities. The authority of any such committee, work group or taskforce shall be specified in the resolution establishing it. Such committees shall consist of a Chairperson, and other members, none of whom need be members of the Board of Directors, except where otherwise directed at the time of the creation of any such committee. All committees shall report to the Board of Directors when required. The following Board standing committees shall be created at a minimum:

- Executive Committee
- Governance and Nominating Committee
- HMIS Governance Committee
- Performance Review and Allocations Committee
- Public Policy Committee

The Board shall elect the members of the standing committees, with the exception of the Executive Committee. The Chairperson of the Board of Directors shall appoint the chairpersons of the standing committees, and other individuals to serve on such committees, as well as designate a chairperson for each committee.

1.10.1 Executive Committee

The Executive Committee shall be composed of the following:

- Board Chairperson
- Board Vice-Chairperson, who shall be the Chairperson of the CoC General Assembly
- Treasurer
- Secretary
- Three additional at large Board Members appointed by the Board Chairperson

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The Executive Committee is charged with various responsibilities related to the MDHA organization. These include: appointment, annual performance review, and compensation of the President/Chief Executive Officer; review and approval of contracts and procurement, as applicable under section 10 of this document; review and approval of the annual budget; and the annual audit and IRS filings.

1.10.2 Governance and Nominating Committee

The Governance and Nominating Committee is charged with the responsibility of nominating Board members, officers, and committee members. The Committee will review and recommend updates for the selection process of the CoC Board of Directors at least every five years.

1.10.3 HMIS Governance Committee

The HMIS Governance Committee will recommend to the Board a single Homeless Management Information System (HMIS) for the geographic area of the CoC and the designated eligible applicant to administer the HMIS. The Committee shall ensure the HMIS administrator operates in compliance with HUD requirements.

1.10.4 Performance Review and Allocations Committee

The Performance Review and Allocations Committee (PRAC) shall make recommendations to the Board for the allocation of CoC Program Grant funds, shall review applications for funding, and shall develop effective evaluation tools for review of such applications. The Committee shall follow the CoC Policies and Procedures as they relate to funding opportunities requiring Continuum of Care Board award decisions.

1.10.5 Public Policy Committee

The Public Policy Committee shall develop and guide the CoC's public policy agenda and advise MDHA staff on increasing the understanding and political will of government entities and opinion leaders in effectively addressing issues of homelessness. The Public Policy Committee will bring key policy and government relations decisions to the Board for review and support or adjustment as needed.

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Section 2: Continuum of Care Membership

24 CFR §578.5(a)

The TX-600 Dallas City & County, Irving Continuum of Care (CoC) membership will be known as the Continuum of Care General Assembly. The CoC General Assembly will be comprised of representatives from relevant organizations within the geographic area of the CoC. Relevant organizations include nonprofit homeless assistance providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, and organizations that serve veterans, domestic violence victims, youth, homeless households, and formerly homeless individuals.

The CoC geographical area covers two counties as designated by the U.S. Department of Housing and Urban Development (HUD): Dallas and Collin.

2.1 Membership in the CoC Assembly

2.1.1 *Minimum Membership Standards*

Membership in the CoC is open to agencies, organizations, and individuals that provide or facilitate homeless services or advocate for services for those experiencing homelessness. Each agency or organization will have only one voting representative and one alternate voting representative at any given time. These individuals will also serve as the official contact persons for the agency or organization that they represent.

Member agencies or organizations will notify the CoC lead agency, in writing, of the voting representative and alternate. Their telephone numbers and email addresses must be provided for communication. Additional agency or organization personnel email addresses can be provided to receive communication.

CoC General Assembly meetings are open to the public, and any person or organization, including any prospective member organization, may attend as a non-voting party.

Voting members must belong to organizations that have made payment of membership fees. If a CoC member is not representing an organization, all individual membership fee payments must be up to date.

2.1.2 *Membership Fee Procedure*

CoC General Assembly membership is established by a membership fee. The annual fee schedule is reviewed and recommended by the CoC General Assembly and approved by the CoC Board of Directors. Fees are assessed annually and payable by December 31 for the upcoming year. Invoices are emailed in November and December. Payment can be made by mailing a check payable to the CoC lead agency or with a credit card payment option available on the CoC lead agency's website.

Membership fees are based on the type of membership:

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- Individual
- Size of the nonprofit agency
- Size of the business
- Government entity

Paid CoC Assembly Membership entitles each individual organization one vote on issues before the CoC General Assembly. The CoC General Assembly membership voting role shall be verified prior to any CoC General Assembly vote to assure a fair accounting of membership dues.

New members will pay the full amount of annual dues. New members joining between November 1 and December 31 will be credited with membership through the upcoming calendar year.

At the discretion of the CoC lead agency CEO, a provisional waiver of fees may be granted. In such cases, at least six (6) months of the fiscal year shall have passed and/or there is demonstrated financial need on the part of the prospective member organization for fee waiver. All waiver decisions must be fully documented by the CoC lead agency, including rationale for waiver, source documentation of financial need, and other pertinent information. Provisional waiver decisions are subject to CoC Board of Directors approval and will be placed on the next CoC Board of Directors meeting agenda following provisional approval from the CoC lead agency CEO.

The CoC lead agency shall solicit membership on behalf of the CoC General Assembly on a year-round basis with verification and renewal solicitations conducted in December of each year. In addition, all CoC General Assembly members who provide homeless services are expected to identify and contact consumers who are or were homeless to invite their participation in the CoC General Assembly.

2.2 CoC General Assembly Meetings

The CoC General Assembly will meet at least six times annually, and all CoC General Assembly meetings will be free and open to the public. CoC General Assembly agendas will be emailed and posted to the CoC lead agency listserv one week prior to the meetings.

2.2.1 *Minimum Standards for New Member Invitations*

The following are the minimum standards for new member invitations:

- Each member of the CoC is responsible for helping to recruit new members
- All members will contact representatives of relevant organizations to solicit their membership in the CoC
- All CoC members who provide homeless services will identify and contact consumers who are or were homeless to invite their participation in the CoC

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- An invitation for membership will be sent from the CoC lead agency's listserv annually
- At least annually, the CoC lead agency's social media sites will include an invitation to join the CoC
- New members or renewing members can join or renew membership on-line through the CoC lead agency website or mail payments to the CoC lead agency

2.3 Establishing Committees, Sub-committees and Workgroups/Taskforces:

All standing committees, sub-committees, and workgroup/taskforce chairs of the CoC General Assembly are appointed by the CoC General Assembly Chair. The CoC General Assembly Vice Chair will provide input to the selection of chairs and committee, sub-committee, and workgroup/taskforce members. Committees, sub-committees, and workgroups/taskforces will be established as needed to fulfill the CoC Strategic Plan.

2.4 CoC General Assembly Officers

The CoC General Assembly elects a Chair and Vice Chair for two-year terms. Officers serve two-year terms and can serve a maximum of three consecutive terms. Officers serving three consecutive terms are not eligible for re-election in the same position. After the passage of one year from the expiration of their last term, such individuals can be considered for re-election.

Per the Bylaws establishing and governing the CoC Board of Directors, the CoC General Assembly Chair shall also serve as the Vice Chair of the CoC Board of Directors. The CoC General Assembly Vice Chair shall serve as a member of the CoC Board Director.

2.5 CoC General Assembly Committees

The CoC General Assembly will establish committees necessary to achieve the work and coordination of the homeless response system. The CoC General Assembly shall have three standing committees: the CoC Policies and Procedures Committee, the Alliance Homeless Forum, and the Youth Action Board.

The CoC General Assembly may create other work groups, committees, and taskforces necessary to address the needs and gaps within the homeless response system. The CoC General Assembly committees will be open to both CoC Members and nonmembers.

Each CoC standing committee will meet at minimum six times each year. Each committee will submit a written report to the CoC General Assembly Chair and CoC lead agency support staff prior to the regular CoC General Assembly meeting. Each CoC standing committees is charged to support the mission of ending homelessness, investigate and make recommendations in addressing issues

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related to its specific area, perform planning functions, and implement such research and activities that address the CoC Strategic Plan goals and objectives.

2.5.1 *CoC Policies and Procedures Committee*

The CoC Policies and Procedures Committee shall have no less than four (4) persons appointed by the CoC Assembly Chair to review the CoC Policies and Procedures on an annual basis, in consultation with the CoC lead agency. The CoC Policies and Procedures Committee reviews any and all recommendations to amend the CoC Policies and Procedures and presents any recommendations to the CoC General Assembly. The CoC General Assembly must vote on amendments to the CoC Policies and Procedures prior to a required vote of the CoC Board of Directors. Senior staff of the CoC lead agency shall provide support to this committee.

2.5.2 *Alliance Homeless Forum*

The Alliance Homeless Forum will serve as the consumer advisory board to the CoC General Assembly and CoC Board of Directors. The CoC lead agency shall coordinate, advise, and staff the Alliance Homeless Forum. Any changes or revisions to CoC Policies and Procedures which in any way impact services, housing, leadership, or systems for persons experiencing homelessness or being served within the homeless response system must be presented and explained to the Alliance Homeless Forum for feedback. Feedback must be conveyed to the CoC Policies and Procedures Committee, the CoC General Assembly, and the CoC Board of Directors.

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Section 3: Designate and Operate HMIS

24 CFR §578(a) and (b)

The TX 600 Dallas City & County, Irving Continuum of Care (CoC) Board of Directors will designate an administrator for the Homeless Management Information System (HMIS) for the CoC. The CoC Board of Directors shall designate a single HMIS system software solution for the geographic area. The CoC Board of Directors, in coordination with the HMIS Administrator, shall secure adequate funding, such as through the Continuum of Care Program (CoC) HMIS grant and HMIS user fees, to support the HMIS system software, system support, HMIS Administration staffing, equipment, and training needs of the HMIS. The CoC Board of Directors will maintain an HMIS Governance Committee to advise the HMIS Administrator and to ensure HMIS administration is in compliance with U.S. Department of Housing and Urban Development (HUD) requirements. Only the HMIS Administrator is eligible to apply for an HMIS component type project through the CoC Program Grant process.

3.1 Review of the HMIS Administrator

The CoC Board of Directors will review and affirm the designation of the HMIS Administrator at least every five years by a majority vote, as documented through the minutes of the applicable Board of Directors meeting. The HMIS Governance Committee shall conduct an annual review of the HMIS Administrator and report to the CoC General Assembly and CoC Board of Directors.

At any time, a two-thirds majority of the CoC Board of Directors at a given meeting at which a quorum is present, may submit a signed petition calling for the CoC Board of Directors to propose a resolution to conduct a Request for Qualifications (RFQ) process to select an HMIS Administrator. If such a resolution passes by a two-thirds vote of the CoC Board members present, the CoC Board shall designate an HMIS Administrator Selection Committee that will develop the decision process and timeline in such a way that will not disrupt the course of the HUD CoC Program Grant Process. The existing HMIS Administrator may respond to the RFQ.

3.2 HMIS Governance Committee Responsibilities

The HMIS Governance Committee will be required to meet at least four times per year, and to conduct an annual HMIS User Satisfaction Survey that evaluates the HMIS Administrator and the HMIS software provider. The results of the surveys will be reported to the CoC General Assembly and the CoC Board of Directors.

The HMIS Governance Committee is charged with evaluating the performance of the HMIS software provider and taking all such actions as are necessary. In addition, the HMIS Governance Committee will review the HMIS User Fee Schedule annually and make recommendations to be approved by the CoC General Assembly and the CoC Board of Directors.

The HMIS Governance Committee will review, at least every three years, the HMIS Administrator and Contributing HMIS Organization Memorandum of Agreement, Security and Privacy Plans, Data Quality Plan, and the HMIS User Manual.

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3.3 HMIS Administrator Responsibilities

The HMIS Administrator is responsible for executing and monitoring a contract for the designated single HMIS software solution chosen by the CoC Board of Directors. The CoC lead agency is responsible for the execution of all Memoranda of Understanding (MOUs) between the HMIS Administrator, as applicable, and contributing HMIS organizations. This includes maintaining and updating, as needed, the files for HMIS software to include software agreements, HUD Technical Submissions, HUD executed agreements, and Annual Performance Reports (APRs).

The HMIS Administrator will monitor compliance with applicable HMIS standards on a regular basis, and will establish and review annually HMIS End User Agreements. Monitoring compliance includes, but is not limited to, developing and maintaining HMIS agency files to include original signed participation agreements, original signed user license agreement, and all other original signed agreements pertaining to HMIS; developing and updating, as needed, a Data Quality Plan; annually reviewing and updating the HMIS Privacy Policy, the HMIS Security Plan which includes disaster planning and recovery strategies, and the HMIS Policies and Procedures; and reviewing national, state, and local laws that govern privacy or confidential protections to make determinations regarding relevancy to existing HMIS policies.

The HMIS Administrator will provide copies of the Data Quality Plan, Privacy Policy, Security Plan, and Policy and Procedures to the HMIS Committee for review and feedback on an annual basis; and will ensure that participating agency programs are using HMIS accurately through the provision of assistance to agencies upon requests for additional training and support, including providing on-site technical support to agencies related to trouble-shooting and data input.

The HMIS Administrator will provide new user training and refresher training monthly. This includes proactively contacting new users for immediate follow up and issuance of usernames and passwords to access HMIS.

The HMIS Administrator will conduct unduplicated accounting of homelessness annually.

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Section 4: Continuum of Care Planning and Operations

24 CFR §578.7(a) and (c); 24 CFR §578.9(b); 24 CFR §578.13

The TX-600 Dallas City & County, Irving Continuum of Care (CoC) will document the planning procedures to promote community-wide commitment to the goal of ending homelessness. The CoC lead agency will function as the Collaborative Applicant for the Continuum of Care (CoC) Program Grant through the United States Department of Housing and Urban Development (HUD) and will be the primary agency charged with carrying out the operations and planning activities under such CoC Program Grant. These activities include, but shall not be limited to the following:

- Determining the geographic area of the CoC
- Select a single collaborative applicant to operate the CoC Program Grant
- Development and facilitation of a community-wide CoC planning process
- Provide professional staff assistant in the development and implementation of CoC Policies and Procedures
- Implementation of a Coordinated Assessment System
- Developing a CoC housing and service system
- Evaluation of outcomes for CoC programs and Emergency Solutions Grant (ESG) programs
- Monitoring grant recipients and sub-recipients, as well as monitoring the homeless response system performance as a whole
- Providing training and technical assistance
- Preparing and submitting an application to the HUD
- Conducting a sheltered and unsheltered Point-in-Time (PIT) Count
- Collecting of housing data to prepare the Housing Inventory Count (HIC) report

4.1 Establishing the Continuum of Care Geographic Area

The CoC serves the geographic area of Dallas County, Texas, and Collin County, Texas as recognized by HUD. The Collaborative Applicant, also referred to as the CoC lead agency, affirms the geographic area of the CoC through the HUD CoC Program Grant annual registration process.

4.2 Selection and Review of the Collaborative Applicant

The CoC Board of Directors will review and select a lead agency to serve as the collaborative applicant at least every three years by a majority vote. The CoC General Assembly shall conduct an annual review of the CoC lead agency and report to the CoC Board of Directors.

At any time, a two-thirds majority of the CoC Board of Directors may submit a signed petition calling for the CoC Board of Directors to propose a resolution to conduct a Request for Qualifications (RFQ) process to select a collaborative applicant. If such a resolution passes by a two-thirds vote of the CoC Board members present, the CoC Board of Directors shall designate a Collaborative Applicant Selection Committee that will develop the process and timeline in such a way that will not disrupt the course of the HUD CoC Program Grant process. The existing collaborative applicant may respond to the RFQ.

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4.3 Year Round CoC Planning and Coordination

The CoC, through the CoC lead applicant, shall promote comprehensive and coordinated approaches to housing and community resources for individuals and families who are homeless or at risk of homelessness through, but not limited to, the following:

- Coordinated Assessment System
- Diversion
- Prevention
- Outreach Services
- Emergency Shelters and Supportive Services
- Transitional Housing and Supportive Services
- Permanent Supportive Housing
- Rapid Re-Housing
- Enrollment in Mainstream Resources
- Agency Skills Training
- Employment Counseling
- Institutional Discharge Planning

The CoC planning infrastructure is comprised of several volunteer committees and workgroups/taskforces that have various CoC reporting functions. These workgroups utilize a variety of reports to establish performance targets appropriate for population and program types and provide consultation and monitoring tools to improve the homeless response system. System performance will be reported, at minimum annually, to the CoC General Assembly.

4.4 CoC General Assembly

The CoC General Assembly is comprised of providers of housing and services to the homeless and advocates who give input and help shape CoC planning. As discussed in Section 2 of this document, voting members of the CoC General Assembly elect the Chair and Vice Chair of the CoC General Assembly who serve two-year terms. The CoC General Assembly convenes at least six times annually and may convene for special meetings when needed. CoC Assembly members also serve on standing committees, sub-committees, and workgroups/taskforces.

4.4.1 CoC General Assembly Planning Committees

The CoC General Assembly is assisted by the work of planning committees. The structure and number of the committees may be changed by recommendation of the CoC General Assembly Chair, with majority vote of the CoC General Assembly, without requirement of a change to the CoC Policies and Procedures or approval of the CoC Board of Directors.

4.4.2 Alliance Homeless Forum

The Alliance Homeless Forum will hold monthly meetings to provide a source for the CoC to obtain input from those experiencing homelessness. Activities associated with this duty include conducting annual surveys on needed services, discussing client access to services,

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assisting homeless persons through service provider tips, hearing grievances, and communication of grievances with the appropriate CoC Standing Committee for review and action. Monthly meetings are planned and facilitated by the Forum's Co-Chairs who are persons experiencing homelessness or who are formerly homeless, with assistance from the CoC lead agency staff. Co-Chairs of the Alliance Homeless Forum are voting members of the CoC General Assembly.

4.5 Point-in-Time Count

The CoC lead agency and HMIS Administrator will develop the methodology, instruments, and reporting to conduct an annual point-in-time (PIT) count of the unsheltered and sheltered homeless. They will conform to all HUD specifications for accuracy and data quality.

The CoC lead agency will report the findings of the PIT count to the CoC and the community in a timely fashion. The CoC lead agency will also report all local jurisdictions the PIT results within their jurisdictions in compliance with Consolidated Plan reporting requirements.

4.5.1 *Collecting of Housing Data to Prepare the Housing Inventory Count Report*

The CoC lead agency and HMIS Administrator will develop the methodology, instruments, and reporting to conduct an annual inventory of housing dedicated to the homeless, known as the Housing Inventory Count (HIC). They will conform to all HUD specifications for accuracy and data quality.

The CoC lead agency will report the findings of the HIC to the CoC and the community in a timely fashion. The CoC lead agency will report the findings of the HIC to all local jurisdictions in compliance with HUD Consolidated Plan reporting requirements.

4.5.2 *Collecting Data to Prepare the Annual Homeless Assessment and System Performance Report*

The CoC lead agency and HMIS Administrator will develop the methodology, instruments, and reporting to submit the Annual Homeless Assessment Report (AHAR) and the System Performance (SysPR) report. They will conform to all HUD specifications for accuracy and data quality.

The CoC lead agency will report the preliminary findings of the AHAR and SysPR to the HMIS Governance Committee. When final, the CoC lead agency will report the AHAR and SysPR to the CoC General Assembly, the CoC Board of Directors, and the community in a timely fashion.

4.5.3 *Needs and Gaps Analysis*

The CoC lead agency shall conduct an annual process to understand the needs and gaps within the homeless response system. An annual survey will be taken of stakeholders and CoC membership agency staff. The results of the analysis will be used in the development of the annual CoC Strategic Work Plan.

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4.6 Continuum of Care Roundtable and CoC Training

The CoC lead agency will develop training and technical assistance opportunities based on input from its committees and taskforces and from needs and gaps identified from the PIT, HIC, AHAR, SysPR, surveys, reviews, ESG consultations, and CoC General Assembly meetings. The CoC lead agency will be a registered provider of Texas Social Work Continuing Education Units in order to encourage the broadest audience of attendees and support the skills of frontline case managers within the homeless response system.

The CoC lead agency will conduct at least four CoC Roundtable training sessions per year. At least one of these trainings will offer SSI/SSDI Outreach or technical assistance.

The CoC lead agency, in its role as the collaborative applicant, shall provide at least annually training and technical assistance to CoC Program Grant and Texas Department of Housing and Community Affairs (TDHCA) ESG project applicants to encourage new applicants and improve agency competitiveness in federal funding opportunities.

4.7 Categories of Service Provision

All programs funded through the CoC Program Grant, and under the jurisdiction of the CoC, will be required to provide services in at least one of the categories of services listed below. An agency can administer multiple programs/projects but must designate the number of beds/units designated to any particular service category. For example, a physical shelter may meet the requirements for an Emergency Shelter for 40% of its beds, but 60% of its beds may be utilized persons who meet the requirements of a Housing Readiness transitional housing program.

Service categories for projects serving the homeless are aligned with HUD HIC categories. The 2018 HIC defined project types as:

- Emergency Shelter
- Transitional Housing
- Safe Haven
- Permanent Housing (Includes Permanent Supportive Housing, Rapid Re-Housing, and Other Permanent Housing)

The CoC reserves the right to incorporate minor changes to the HIC categorization by HUD without formal ratification of policy changes. If said changes significantly impact the sub-categorizations listed below or directly impact CAS documentation of homelessness, such changes will require formal revision of this document.

Additionally, the CoC recognizes the categories of Supportive Services, Street Outreach, and Homelessness Prevention.

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4.7.1 Emergency Shelter

The CoC requires projects meeting the emergency shelter category to meet all of the conditions listed below. To qualify as an emergency shelter, a facility must be focused on bringing individuals and/or families into safety while participating in a coordinated effort to guide them to resources to resolve their homelessness crisis quickly. The following qualifications must be met to qualify as an emergency shelter:

- Emergency shelters should support flow from a housing crisis to housing stability, in which the aim of the system is to produce the most rapid and effective non-crisis housing connections for individuals and households facing crises
- Government-issued identification and/or birth certificates are not required for entry
- Drug testing and/or demonstrated medication compliance is not a requirement for entry
- Shelter residents are not screened out based on criminal background. If a shelter serves children or is within the legal proximity zone of a school or other child-serving institution, residents may be screened for criminal background and refused entry due to the findings of such screening, as they apply to the legal requirements of such service to children
- No requirement for residents to sign leases or occupancy agreements
- Participation in programming is voluntary
- The shelter must participate in HMIS data entry and sharing, regardless of CoC Program Grant funding or private funding, to meet the emergency shelter threshold. However, shelters can meet this requirement through collaboration with an HMIS-participating entity. Emergency shelters serving victims of domestic violence are required to use alternate, CoC-approved methods of data collection in compliance with Victims of Crime Act (VOCA) and Violence Against Women Act (VAWA) guidelines
- CoC Program Grant-funded and ESG-funded shelters within the geographic scope of the CoC must directly participate in the CoC Coordinated Access System, including agreement to the responsibilities set forth in Section 7 of this document. Such participation must be formalized through a Memorandum of Understanding
- Shelters not funded through the CoC Program Grant or ESG must also participate in the Coordinated Access System (CAS). However, this requirement can be met through collaboration with an HMIS and CAS-participating entity
- The goal of the shelter is for residents stay for no longer than 90 consecutive days
- Clients do not pay, upon entry, for residency

4.7.2 Transitional Housing

Transitional housing is defined as a project that has as its purpose facilitating the movement of homeless individuals and families to permanent housing within a reasonable amount of time, up to 24 months. Transitional housing includes, but is not limited to, housing primarily designed to serve specific sub-populations such as victims of domestic violence, unaccompanied youth, deinstitutionalized homeless individuals and other homeless individuals with mental or physical disabilities, and homeless families with children.

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Transitional housing typically requires participation in counseling or other case management services to ensure long-term family stability.

All CoC Program Grant-funded and ESG-funded transitional housing programs within the geographic scope of the CoC are required to participate in HMIS data entry and sharing. Programs serving victims of domestic violence are required to use alternate, CoC-approved methods of data collection in compliance with VOCA and VAWA guidelines. CoC Program Grant-funded and ESG-funded transitional housing programs within the geographic scope of the CoC must participate in the CAS, including agreement to the responsibilities set forth in Section 7 of this document.

Housing Readiness programs are considered transitional housing for the purposes of the HIC and in CoC Program Grant funding considerations.

A Housing Readiness program is defined as one that meets at least one of the following qualifications:

- Government-issued identification and/or birth certificates are required for entry
- Drug testing and/or demonstrated medication compliance is a requirement for entry
- Housing is designed to focus on ameliorating or correcting housing choice-limiting behaviors (drug usage, etc.) over the location of suitable housing
- The program screens out participants based on criminal background (with the exception of the legal requirements listed under emergency shelter with regard to children)
- The program requires participants to work with programming to remain
- The program may screen-in based on rental history, income, and/or job history
- The program may or may not operate with housing beyond shelter as a priority focus
- The program does not directly participate in entering residents into HMIS or will not collaborate with an HMIS-participating agency
- The program does not directly participate in entering residents into the CoC CAS or will not collaborate with a HMIS-participating agency
- Program participation and/or attendance at religious services is a requirement for continued sheltering
- Residents may be required to pay at entry to stay sheltered

4.7.3 *Safe Haven*

Safe Haven is a form of supportive housing that serves hard-to-reach homeless persons with severe mental illness who are on the street and have been unable or unwilling to participate in supportive services. Safe Haven programs have the following characteristics:

- 24-hour residence for eligible persons who may reside for an unspecified duration
- The residence is defined by HUD as a Safe Haven
- Private or semi-private accommodation
- Overnight occupancy is limited to 25 persons
- Low-demand services and referrals

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- Supportive services are provided to eligible persons who are not residents on a drop-in basis

4.7.4 *Permanent Supportive Housing*

A project is identified as meeting the designation of permanent supportive housing if the project provides long-term housing to chronically or literally homeless individuals and/or families in which one member of the household has a disability. Supportive services that are designed to meet the needs of the program participants must be available to the household.

All CoC Program Grant-funded permanent supportive housing programs are required to participate in HMIS data entry and sharing. CoC Program Grant-funded permanent supportive housing programs must participate in the CAS, including agreement to the responsibilities set forth in Section 7 of this document.

For the purpose of the HIC, permanent supportive housing beds will be counted under the Permanent Supportive Housing subcategory of the Permanent Housing category.

4.7.5 *Rapid Re-Housing*

A rapid re-housing project must provide short term or medium term (up to 24 months) of assistance, the lease for units must be between the landlord and the program participant, program participants must be able to select the unit they lease, and the provider cannot impose a restriction on how long the person may lease the unit, though the provider can impose a maximum length of time that grant funds will be used to assist the program participant in the unit. Further information related to Rapid Re-Housing is discussed in Section 8.3.

All CoC Program Grant-funded and Emergency Solutions Grant (ESG)-funded rapid re-housing programs within the geographic scope of the CoC are required to participate in HMIS data entry and sharing. These CoC Program Grant-funded and ESG-funded rapid re-housing programs must also agree to participate in the CAS, including agreement to the responsibilities set forth in Section 7 of this document.

For the purpose of the HIC, rapid re-housing beds will be counted under the Rapid Re-housing subcategory of the Permanent Housing category.

4.7.6 *Other Permanent Housing*

Other permanent housing includes all sheltering or housing programs for persons experiencing homelessness that do not meet the specific requirements of the other housing categories listed in this section, but who also may not proposed a time limit for service provision. Such housing can include, but is not limited to, Housing Choice Vouchers, project based vouchers, group homes, boarding homes, etc.

Other permanent housing programs are not prioritized to receive funding through the CoC Program grant but are part of the continuum of services to those persons who are at risk of

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homelessness. Persons residing in Other Permanent Housing are not considered homeless and are therefore not included in the prioritization lists for homeless services.

4.7.7 Homelessness Prevention

Homelessness Prevention includes activities or programs designed to prevent the incidence of homelessness, serving persons at risk of homelessness pursuant to program specifications, including, but not limited to:

- Short-term subsidies to defray rent and utility arrearages for families that have received eviction or utility termination notices
- Security deposits or first month's rent to permit a homeless family to move into its own apartment
- Mediation programs for landlord-tenant disputes
- Legal services programs that enable representation of indigent tenants in eviction proceedings
- Payments to prevent foreclosure on a home
- Other innovative programs and activities designed to prevent the incidence of homelessness

All CoC Program Grant-funded homelessness prevention programs must utilize the HMIS system, or approved alternative database, for data collection and sharing.

4.7.8 Supportive Services

Supportive services are services that address the special needs of the program participants such as case management, transportation, medical assistance, childcare, etc. and do not include housing or sheltering of program participants.

4.7.9 Street Outreach

Street outreach services are essential services related to reaching out to unsheltered homeless individuals and families, connecting them with emergency shelter, housing, or critical services, and providing them with urgent, non-facility-based care.

All CoC-coordinated street outreach services must participate in HMIS data entry and sharing, regardless of CoC Program Grant funding or private funding, which includes participation in the CAS. CoC-coordination may be defined through funding from the CoC or an ESG program within the jurisdiction of the CoC and/or through a Memorandum of Understanding with the CoC. CoC-coordinated street outreach services will be considered Access Points, as further discussed in Section 7 of this document.

4.8 CoC Annual Strategic Plan

The CoC lead agency is responsible for facilitating the development and implementation of an annual CoC Strategic Work Plan built on the information gathered from the CoC Planning processes and reports in the prior year. The CoC Strategic Work Plan will be guided by the mission to make

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homelessness rare, brief and non-recurring. The CoC Strategic Work Plan will be formally adopted by the CoC General Assembly and the CoC Board of Directors.

The CoC Strategic Work Plan shall include primary objectives, goals within those objectives, and detailed action steps to be conducted in the upcoming term. The CoC Strategic Work Plan will include addressing the needs of specific subpopulations, local jurisdictional needs, as well as goals addressing objectives within other state and national homeless plans.

4.9 Progress Reporting

The CoC lead agency will be the primary facilitator to implement the CoC Strategic Work Plan. The CoC lead agency will provide quarterly reports on progress of the plan, including specific HMIS metrics, to the CoC General Assembly, the CoC Board of Directors, and the community.

4.10 Emergency Solutions Grant

The CoC lead agency facilitates meetings with ESG recipients to recommend housing and service priorities, identified by the CoC, for funding allocation. The CoC lead agency reviews ESG recipients' performance reports from ESG sub-recipients to assess compliance with the CoC's priorities and progress toward the projects' stated goals.

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Section 5: Continuum of Care Program Grant Collaborative Application

24 CFR §578.9(a) and 24 CFR §582.300(d)(2)

The TX600 Dallas City & County, Irving Continuum of Care (CoC) selects a lead agency to perform the functions of the Collaborative Applicant for United States Department of Housing and Urban Development (HUD) Continuum of Care (CoC) Program Grant fund application and administration, in cooperation and agreement with the Continuum of Care Board of Directors. For the purpose of these policies and procedures, the terms “CoC lead agency” and “Collaborative Applicant” are deemed to be synonymous and interchangeable. The CoC lead agency, in its role as Collaborative Applicant, will implement an internal competition with sufficient notice and deadlines to ensure transparency and fairness at the local level, and the Collaborative Applicant shall conduct the competition and federal CoC Program Grant application that meets the standards outlined in the HUD CoC Program Grant Notice of Funding Availabilities (NOFA).

The CoC Board of Directors, with assistance from the Performance Review and Allocations Committee of the Board (PRAC) and the CoC lead agency, will implement a ranking and selection process for project applications that is publicly announced by the CoC, includes published written policies and procedures, and will maintain dated meeting minutes for all meetings that pertain to the CoC’s local competition process. The CoC will be required to submit written documentation to HUD of a rating and ranking/review process for all NOFA projects (new and renewal).

The HUD CoC Program Grant competition does not follow a standard schedule. Consequently, the CoC will follow these policies and procedures related to the NOFA competition, but may, when deemed necessary, produce a stand-alone document that reflects any specific competition components unique to a particular competition year, which are found in and based on the official HUD NOFA or within any applicable electronic application portal.

5.1 Review of Renewal Project Performance

The PRAC makes review, ranking, and funding recommendations for the CoC Program Grant competition, and shall approve the renewal project scorecard that will serve as one tool for review, ranking, and funding decisions. The scorecard will be based on an annual performance year common to all projects (*e.g.*, July 1 – June 30) to ensure that review of project performance is comparative as to housing market, CoC resources, and system tools that were in place. Agencies subject to the scorecard will have an opportunity to comment on the tool prior to finalization by the PRAC. The scorecard will address performance measures such as, but not limited to: occupancy rates, timely expenditure of funds, successful exits to permanent destination, CoC participation, and HMIS data quality.

NOFA project applications, both renewal and new, will be scored by the PRAC committee using a scoring rubric approved by the PRAC and provided to all applicants no less than seven days prior to the local application deadline.

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5.2 CoC Program Grant Local Competition Process

5.2.1 *Timeline*

The CoC lead agency will be required to develop a comprehensive CoC Program Grant Competition Timeline upon publication of the HUD NOFA. This notice will be continually updated, and publication shall mean that all competition documents and announcements shall be published on a dedicated CoC Program Grant Competition webpage managed by the Collaborative Applicant and transmitted through the CoC public listserv. Key local competition benchmark events shall include, at a minimum:

- HUD NOFA publication announcement
- Local CoC Program Grant competition timeline
- Local CoC Program Grant competition Request for Proposal (RFP) publication
- Local CoC Program Grant Application Briefing Workshop
- PRAC application briefing and hand off
- PRAC Committee Review/Ranking and Funding Decision meeting
- Publication of PRAC project priority list recommendations
- CoC Board of Directors meeting to receive/approve PRAC recommendations
- Publication of the project priority list
- Publication of the complete Collaborative Application

5.2.2 *Local Request for Proposals for Renewal Projects*

The CoC will follow all HUD NOFA requirements for renewal project applications. All renewal projects will be required to compete for funding for the amount of funds confirmed on the HUD approved Grant Inventory Worksheet (GIW). Each Renewal application must complete both a renewal project scorecard and satisfy all local RFP requirements. Renewal applications will also be scored on the CoC's renewal application scoring rubric completed by the PRAC members, which will be included in the RFP and presented in the applicant briefing workshop. The two scores, renewal project scorecard and renewal application scoring rubric will serve as the basis for the initial PRAC ranking.

5.2.3 *Local Request for Proposals for New Projects*

The CoC will follow all HUD NOFA requirements for new project applications. New applications must also complete all local RFP requirements. New applications will be scored with a scoring rubric to be completed by the PRAC members. The score will serve as a basis for the initial PRAC ranking.

5.3 PRAC Responsibilities

The PRAC Chair, or its designee, will attend the Collaborative Applicant's CoC Program Grant Applicant Briefing Workshop. Minutes will be taken at this meeting by the CoC lead agency's staff.

The PRAC will have an open meeting to receive all applications, renewal scorecards, and application scoring rubrics; and in such meeting, to receive guidance and training from the Collaborative

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Applicant regarding all HUD requirements pertinent to the review, ranking, and funding-decision process. The PRAC Chair will provide instructions to the committee and address questions posed by the public. Minutes will be taken at this meeting by the CoC lead agency's staff.

The PRAC will meet in a closed meeting to initially rank all projects based on averaging of individual committee member scores. The PRAC will then consider and deliberate regarding all HUD NOFA funding, tier determinations, and prioritization requirements. The PRAC will also consider agency capacity, project cost effectiveness, project performance, local priorities, and subpopulation needs in the final ranking and funding determination. Minutes will be taken at this meeting by the CoC's lead agency's staff.

The PRAC will provide feedback to all project applicants within seven (7) business days of the publication of the Project Priority List.

5.4 Notice of Project Priority List

The CoC lead agency will publish the PRAC recommended Project Priority List in advance of the meeting at which the CoC Board of Directors is scheduled to vote on the PRAC's recommendations.

5.5 CoC Board of Directors Approval

The CoC Board of Directors' meeting to approve the PRAC recommendations will be set as part of the CoC Program Grant local competition timeline. The PRAC Chair, or designee, will present the PRAC decisions for approval. Upon approval, the Collaborative Applicant will then proceed with project applicant instructions to complete applications per the HUD NOFA instructions, making any adjustments to project applications consistent with the PRAC recommendations. The Collaborative Applicant will ensure that the final Project Priority List submitted to HUD conforms to available funds and tiering.

5.6 Appeals by Project Applicants

The CoC will follow the HUD appeals processes, as identified in the current competition's HUD NOFA, for individual project applicants that attempted to participate in the CoC Program Grant planning process and believe they were denied the right to participate in a reasonable manner. These applicants should follow the Solo Applicant procedures identified in the HUD NOFA.

5.7 Conflicts of Interest

5.7.1 PRAC

A member of the PRAC that has a direct financial, match, or sub-recipient interest in a CoC Project Application may participate in the design and approval of renewal scorecards, the

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local CoC Program Grant Competition RFP or application scoring rubric, but will be prohibited from participating in the review, ranking, and funding allocation decision process.

5.7.2 *CoC Board of Directors*

Members of the CoC Board of Directors that have a direct financial, match, or sub-recipient interest in a CoC Program Grant Project Application, other than the CoC Planning, CoC HMIS, and CoC Coordinated Assessment projects, will recuse themselves from discussion of or voting on the PRAC recommendations.

5.7.3 *Collaborative Applicant*

The Collaborative Applicant is charged with CoC Planning, administration of the CoC HMIS and administration of the CoC Coordinated Assessment System. These CoC operations infrastructure functions are primarily funded through the CoC Program Grant. In order to demonstrate transparency for the Collaborative Applicant staff to conduct the competition on behalf of the CoC, the CoC Board of Directors, prior to the project application review, ranking, and funding process, shall instruct the PRAC, by Board Resolution, of the funding levels and tier level of the CoC HMIS and Coordinated Assessment System projects.

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Section 6: Continuum of Care Performance and Monitoring

24 CFR §578.7(a)

The Dallas City & County, Irving Continuum of Care (CoC) will establish performance targets for each population and program type. The CoC is also responsible for collecting and reporting all HUD-required system performance data. The CoC is further charged with consulting with CoC member agencies to establish the means of:

- Monitoring performance of Continuum of Care (CoC) Program Grant recipients and sub-recipients
- Monitoring performance of Emergency Solutions Grant (ESG) sub-recipients of the Texas Department of Housing and Community Affairs (TDHCA)
- Evaluating outcomes of both CoC Program Grant and ESG recipients
- Taking action against poor performers in an ongoing fashion

Performance measures will include priorities of the U.S. Department of Housing and Urban Development (HUD) and community priorities and needs determined by CoC standing committees, the CoC General Assembly, and the CoC Board of Directors.

6.1 Monitoring and Annual Evaluation

The CoC lead agency has the responsibility to monitor all programs and projects that are direct recipients of CoC Program Grant funds, sub-recipients of such funds, and sub-recipients of TDHCA ESG funds. Further, the CoC is charged with the review of certain ESG activities undergone through direct grant receipt from HUD (grantee) or sub-recipient agency activities of such grantees. The CoC lead agency will review the occupancy rates of all CoC Program Grant Projects on a monthly basis to assure that recipients are serving the number of persons intended by the project. Project performance is monitored through the Annual Performance Report (APR). Performance is measured with regard to program participant housing stability and increases in earned and benefits incomes.

6.1.1 Annual Evaluation of CoC Program Grant Projects

The CoC Performance Review and Allocations Committee (PRAC) will develop an annual scorecard for the evaluation of renewal CoC Program Grant Projects. The CoC General Assembly will be given the opportunity to review and comment on the scorecard. The CoC Board of Directors will have final approval of the scorecard. The scorecard will be part of the review and ranking of renewal projects.

The CoC lead agency will prepare a draft scorecard and submit for review by the CoC Program Grant Recipient. Both will agree on the final score that will be included in the annual review and ranking process.

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6.1.2 *Meetings with Agencies*

Agencies may be required to attend meetings (at dates, times, and location established by the DACoC lead agency) to discuss lessons learned and to share any updates or additional instructions or requirements.

6.1.3 *Monitoring by HUD, Other Federal Agency, or Grantee Organizations*

HUD and TDHCA have the right to request documentation from, or make site-visits to, the CoC lead agency and/or any sub-recipient agency at any time. Agencies are expected to cooperate with any HUD request for documentation or site visit.

HUD and/or TDHCA will normally notify the CoC lead agency, grantee cities, or grantee counties of any audit or monitoring visits being conducted for the CoC Program Grant or the Emergency Solutions Grant program. However, if an agency is contacted by HUD, TDHCA, another Federal agency, or any other person or organization directly, regarding an audit or monitoring of the CoC Program Grant or Emergency Solutions Grant, the agency must promptly notify the CoC lead agency.

6.1.4 *Mid-Year Desktop monitoring*

The CoC will conduct a desktop review of all CoC Program Grant Projects approximately at the mid-year point of the grant term. The review will examine the following items:

- An Annual Performance Report for the grant to date
- Line of Credit Control System (LOCCS) draw report
- Homeless Management Information System (HMIS) Data Quality Report

Any information that is deemed below expected performance will be addressed by the CoC lead agency with the recipient, developing strategies to improve performance. If it is determined that there are significant issues and concerns related to performance as a result of the mid-year desktop monitoring, the CoC may initiate a site monitoring outside of the biannual schedule.

6.1.5 *Site Monitoring*

Each CoC Program Grant Recipient will undergo a site monitoring at least once every 24 months.

A. Purpose of On-Site Monitoring Visit

The CoC staff performs annual on-site monitoring visits to assure compliance with applicable federal regulations governing administrative, financial, and programmatic operations and to ensure agencies are achieving performance objectives within scope and schedule. Monitoring visits:

- Determine if the CoC Program Grant-funded activity is meeting Federal Objectives

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- Determine effective agency occupancy rates and client eligibility standards. Occupancy rate is determined through the APR. Client eligibility is monitored for compliance through the auditing of ten (10) to fifteen (15) percent of randomly selected client files for the current year. Files will be examined to ensure all required contents including but not limited to eligibility source documentation, case notes, necessary consent forms for Documentation of Priority Status (DOPS), HMIS, and other such documentation
- Determine the timeliness, accuracy, and completeness of HMIS Data Collection. This will be evaluated against HMIS Data Quality Reports
- The agency's financial management processes are adequate, through the review of expenditure rates and timeliness of fund withdrawals from the HUD LOCCS system. The CoC lead agency will review LOCCS receipts and the grant balance report to make such evaluation
- Determine whether agencies are carrying out activities as described in contracts, participation agreements, Memoranda of Understanding (MOU), or other collaborative agreements
- Determine whether costs charged to the project are eligible and allocable
- Determine whether agencies are maintaining financial management systems in accordance with 2 CFR §200 Subpart D
- Determine if a conflict of interest exists
- Ensure required records are maintained in compliance with federal regulations
- Ensure agency compliance with procurement requirements
- Ensure real or personal property acquired with CoC Program Grant or ESG funds is used for the purpose specified in the grant agreement
- Ensure program income is reported and utilized consistent with HUD regulation
- Ensure compliance with Coordinated Access System and Housing Priority List requirements

B. Monitoring Plan

The CoC conducts on-site monitoring of CoC Program grant-funded agencies and ESG sub-recipients on an biannual (every other year) basis unless factors related to performance require additional monitoring visits to ensure federal compliance. On-site monitoring of any applicable agency will occur no less than once every 24 months. A risk assessment may be conducted at the beginning of the program year to determine which agencies require comprehensive monitoring.

Agencies which are considered "High Risk" might include:

- Agencies new to the CoC Program Grant or ESG
- Agencies with previous compliance or performance problems

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- Agencies undertaking multiple activities for the first time
- Agencies that have experienced turnover in key staff positions
- Agencies that submit late, incomplete, or incorrect reports; or agencies that do not consistently submit reports
- Agencies not meeting performance and/or expenditure objectives
- Newly formed non-profit agencies

C. Notification

If it is determined that an agency will be monitored by the CoC, the CoC lead agency will provide the agency with written notification at least thirty days prior to the monitoring visit. The notification letter will be sent to the agency's board chairperson and executive director, or designee. This notification advises the agency personnel of the materials to be reviewed and provides information related to the anticipated duration of the visit.

At the onset of the monitoring visit, CoC lead agency staff will conduct an Entrance Interview with designated agency personnel. After the monitoring session has been completed, the CoC lead agency staff will conduct an Exit Interview, if requested, with the agency director and designated agency staff.

D. Communication

Within thirty days of the agency monitoring visit, CoC lead agency staff will send written communication to the agency's board chairperson and director which details the results of the monitoring visit. The monitoring letter will provide recommendations for program improvement and corrective actions to be undertaken to ensure performance and compliance deficiencies are corrected. Agency staff will have thirty days to respond to the monitoring letter and to resolve any findings and/or concerns addressed in the monitoring letter. The CoC lead agency staff will work with the agency staff to provide any applicable technical assistance and/or training.

E. Findings and Concerns

During the monitoring visit, the CoC lead agency staff will notate deficiencies in the operation of the program and/or lack of compliance with federal regulations. These deficiencies may take the form of either Findings or Concerns.

A "Finding" is a violation of law or regulation that can result in a sanction. All findings must be cleared prior to the receipt of subsequent allocations of CoC HUD funds. A "Concern" is a matter that, if not properly addressed, can become a finding and can ultimately result in a sanction. Additional recommendations directed at enhancing

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agency capacity to provide needed services may be included in monitoring reports. Such recommendations are included for the consideration of agency boards and/or executive staff.

6.2 Emergency Solutions Grant Projects

The CoC lead agency, in its role as the HMIS Administrator, will provide all necessary ESG reports to ESG recipients and sub-recipients such as monthly service reports, Annual Performance Reports, and CAPER reports. During the development of annual or biannual ESG allocations or notices of funding availability by ESG recipients, the CoC lead agency will report on progress and performance during ESG consultations.

The CoC lead agency will include ESG projects in the HMIS quarterly Data Quality Reports that will include reporting on Timeliness, Accuracy and Completeness.

6.3 System Performance Measures and Reporting

The CoC lead agency will be responsible for reporting on the annual HUD System Performance Measurements including an analysis. The CoC lead agency will also be responsible for development of a quarterly performance measurements dashboard that will reflect key performance indicators of the community's progress in ending homelessness.

6.4 Agency Performance Issues

Agencies that do not meet the performance expectations stipulated in the agreement between the CoC and the agency may, at the discretion of the CoC lead agency CEO, be subject to sanctions. Decisions for more serious sanctions which impact agreements (suspension, non-renewal, and rescission/termination) require the endorsement of the CoC Board of Directors.

If performance is found to be substantially inadequate in meeting the stated objectives and measures, the agency may be required to submit a written explanation to the CoC. Inadequate program performance may adversely affect future HUD funding of the agency by the CoC.

6.4.1 *Plan for Improvement*

When an agency is determined by the CoC Lead Agency to have performance below expectations or which are not in compliance with these policies or HUD regulations, the CoC Lead Agency shall provide the agency with technical assistance or other training, to the maximum extent practicable, prior to the establishment of any sanctions or corrective actions.

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6.4.1 *Sanctions*

In the event of poor performance by an agency, the CoC will apply progressive sanctions that may include, but are not limited to:

- Letter to the agency's board of directors
- Technical Assistance requirements for additional training
- More frequent reporting requirements
- Increased monitoring activities
- Probationary status
- Temporary suspension (2 CFR §200.338)
- Non-renewal of contract for the next program year
- Fund repayment
- Project termination

6.4.2 *Appeal*

An agency wishing to appeal the decision of the CoC lead agency staff must submit a written request for review to the CoC CEO within seven days of the staff's decision. The CEO, upon investigation and review, will respond to the concern in writing within 10 days of the original request for review. An agency may then appeal this decision in writing within seven days to the CoC Board of Directors. The CoC Board Chairperson, or a designated CoC lead agency staff member, upon CoC Board consideration at the next available meeting of the CoC Board of Directors, will respond in writing to the agency with the decision of the CoC Board of Directors within ten days of the CoC Board of Directors meeting. Decisions of the CoC Board of Directors are final.

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Section 7: Continuum of Care Coordinated Assessment

24 CFR §578.7(a); CPD Notice 16-11; CPD Notice 17-01

The TX 600 Dallas City & County, Irving Continuum of Care (CoC) has established and operates a coordinated assessment system that provides initial, comprehensive assessment of needs and that can be easily accessed by persons at imminent risk of or experiencing homelessness. The Coordinated Access System (CAS) expands beyond the scope of Continuum of Care (CoC) Program Grant-funded or Emergency Solutions Grant (ESG)-funded programs, but the policies herein relate directly to the programs funded through the CoC Program Grant and ESG programs. These policies were developed in coordination with CoC General Assembly committees, CoC lead agency staff, and direct grantees of Emergency Solution Grant funds. The Coordinated Access System (CAS) Policies and Procedures will also ensure that resources will be strategically targeting to households based on need.

7.1 CAS Coverage Parameters

The Coordinated Assessment System will cover the entire geographic area of Dallas and Collin Counties consistent with the boundaries of the CoC.

Agencies funded through the CoC Program Grant or through ESG programs administered in the geographic boundaries of the CoC will comply with the policies and procedures listed below.

7.2 Training on CAS Best Practices

The CoC lead agency will provide annual training on the process and tools used within CAS as a best practice including:

- Vulnerability Index-Service Prioritization Decision Assistance Tools (VI-SPDAT) and interviewing including sub-population specific VI-SPDAT
- Cultural and linguistic competency regarding target populations and subpopulations to ensure removal of barriers
- Trauma-informed assessment techniques to prevent re-traumatization
- Identifying safety issues and providing safety planning
- Provision of safe and confidential interviewing and assessment space
- Considerations for developmental capacity of participants being assessed
- Strength-based assessments
- Client understanding of the assessment, documentation, prioritization, and housing priority list process
- Documentation of Priority Status (DOPS) Training
- Housing Priority List (HPL) Training

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7.3 CAS Accessibility

The CAS will have clearly identified access point(s) for individuals and families seeking housing and services. The CoC designates the agencies in Section 7.7.2 of this document and CoC-coordinated street outreach programs as Access Points. All Access Point entities shall enter into Memoranda of Understanding with the CoC that will outline roles, responsibilities, and requirements for providing such services on behalf of the CoC. Homeless information or referral to services may still be accessed at any agency. The primary access points serve as points of entry into the homeless response system but do not limit access through other service providers.

7.4 CAS Advertising

The CAS will be advertised through human services agencies, 2-1-1, and homeless service providers. The primary telephone access point will be called the “Homeless Crisis Helpline” and have one primary number that will direct and route persons to appropriate access points and information based on their needs or subpopulation status.

7.5 CAS Assessment Tools

The Coordinated Assessment System will use comprehensive and standardized assessment tools based on the level of engagement. This includes:

- Telephone access points will utilize an Information and Referral script. This script will include a diversion assessment
- Access Point locations (including CoC-coordinated street outreach) will utilize the standardized Coordinated Entry Initial Triage tool
- The Homeless Management Information System (HMIS) entry assessment will be performed at street outreach and shelter enrollment
- The population-appropriate VI-SPDAT will be used consistently by all trained assessors for the determination of severity of service needs

Assessors will submit a Documentation of Priority Status request or prioritization and placement on the Housing Priority List to the CoC lead agency. Once prioritization has been completed, the CoC lead agency will provide the assessing agency/outreach worker with written confirmation.

7.6 CAS and Domestic Violence Victims/Privacy Protections

7.6.1 Domestic Violence

Individuals and families fleeing or attempting to flee domestic violence, dating violence, trafficking, sexual assault, or stalking who seek shelter or services from non-victim specific providers will be assisted through immediate connection to the Coordinated Assessment System Homeless Help Line to ensure that services and shelter are provided that take into

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consideration the safety of the presenting homeless individual and/or family. The assigned Domestic Violence Access Point will then make determination of proper level of intervention needed using pre-determined safety screening tools and make appropriate referral based on severity of risk and client choice.

Triage personnel at all non-domestic violence shelter and service providers will include questions regarding fleeing domestic violence. If the household is determined to be actively fleeing domestic violence and a referral to the domestic violence Access Point is considered potentially necessary, the non-domestic violence service or shelter provider will make connection to the Homeless Crisis Helpline immediately. No personal identifying data for household being referred to the domestic violence Access Point will be recorded into HMIS or any other shared database regarding the household until the domestic violence Access Point assesses the household for potential risk. If the household is enrolled into a protected facility for persons fleeing domestic violence the non-domestic violence shelter or service provider will record no data of any kind into HMIS or any other data systems. However, if the household is instead enrolled into the non-domestic violence shelter or service provider due to not being found at high enough risk to be placed in domestic violence-specific programming, then all usual assessments and information collection standards will be followed. The household will have the right to refuse sharing of personal data at any time.

7.6.2 *Privacy Protections*

All Coordinated Assessment System documentation is contained within the HMIS record and provided the same security and privacy restrictions afforded the HMIS. The Housing Priority List is found on a secure Basecamp project. Only users that have completed HMIS User Training, including security and privacy training, are allowed access to the Basecamp Housing Priority List project.

Disclosures of specific disabilities or diagnoses are not required within the DOPS documentation of disability. Specific diagnosis or disability information may only be obtained for purposes of determining program eligibility to make appropriate referrals (e.g. HIV/AIDS).

7.7 CAS Access Model

The CoC will take a consistent assessment approach at all Access Points, and all Access Points are usable by persons who are experiencing homelessness or at risk of homelessness. Access Points will agree to basic information, referral, diversion and assessment guidelines, as outlined in the CAS Access Point Memorandum of Agreement. The Memorandum of Agreement will be approved by the General Assembly prior to execution. When necessary, Access Points shall refer households to appropriate services suited to address their needs. Client refusal to participate with the designated primary Access Point will not preclude the client from receiving DOPS services at another Access Point.

7.7.1 *Information and Referral Homeless Crisis Help Line*

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A toll-free number shall provide a telephonic access point that will clearly direct individuals to the appropriate Access Point. Designated Access Points include specific points of access for: persons experiencing or fleeing domestic violence, unaccompanied youth age 24 and younger, veterans, households with children, individual adults, persons and families residing in Collin County, and a general information line. Each population category will be connected to a lead agency within that access category and will perform basic assessment and triage to determine that risk or homeless status. Steps in accelerated intervention are:

- Initial triage including assessment of homeless status
- Diversion and/or Pre-screen for available services
- Appointment for face-to-face assessment at an Access Point, which includes a physical location or street outreach intervention
- Emergency shelter intake
- HMIS (or DV HMIS equivalent) entry assessment/intake/enrollment
- Comprehensive Assessment and Documentation of Priority Status
- Placement on the Housing Priority List

7.7.2 *Subpopulation Information, Referral and Intake Access Points*

Persons seeking housing and homeless services will be referred to specific Access Points based on basic demographic information. These primary Access Point intake locations will also redirect persons that do not fit within their primary population as quickly as possible including direct referral and safe transport. For example, if a family with children presents at the adults with no children facility, they will be provided direct referral and transportation to the family facility.

Each of the primary intake locations will make all reasonable physical accommodations for persons presenting with disabilities. Each primary intake location will also provide appropriate auxiliary aides and services necessary to ensure effective communication (e.g. Braille, audio, large type, assistive listening devices, and sign language interpreters.). The CoC lead agency CAS staff will assist, where appropriate, with access to auxiliary aides through appropriate funding resources.

Each primary intake location will take reasonable steps to offer information on Coordinated Assessment System steps, including HMIS intake, VI-SPDAT in multiple languages to meet the needs of minority, ethnic and groups with Limited English Proficiency. For languages other than Spanish, the CoC lead agency CAS can assist with language services through HUD CAS or Flexible Assistance Fund resources.

Primary Access Point locations will be chosen through a Request for Proposal process administered through the CoC lead agency. The Primary Access Points for Information and Referral shall include the following specific location types:

- A location that primarily serves persons experiencing domestic violence
- A location that primarily serves unaccompanied homeless or runaway youth 24 years or younger

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- A location that serves families with children
- A location that serves adults with no children
- The local Veteran's Affairs office for VA-eligible veterans
- Locations serving persons living in Collin County. In addition to an Access Point that serves the general homeless population, two additional locations include:
 - A Collin County location specifically serving unaccompanied homeless or runaway youth 24 years or younger
 - A Collin County location specifically serving persons experiencing domestic violence

7.7.3 *Homeless Prevention*

The CoC lead agency CAS staff will maintain a service directory and inventory of homeless prevention programs within the CoC, which includes organizations not funded through the CoC. Persons who are at risk of homelessness and who will access homeless prevention services directly are not required to complete the DOPS process.

7.7.4 *Street Outreach*

All CoC-coordinated street outreach programs must utilize Coordinated Assessment System tools through the HMIS system. Street outreach teams are considered intake points for unsheltered homeless persons to be assessed and prioritized for housing using the DOPS process and included on the housing priority list. ESG-funded street outreach programs will establish strong relationships with emergency shelters, drop in centers, and services to quickly identify shelter opportunities.

7.7.5 *Emergency Shelter*

Programs considered "Emergency Shelters" under section 4.7 are required to participate in the CAS and will serve as Access Points for intake and prioritization. Provisions are set forth under section 4.7 to allow for collaboration and outsourcing of such services in a manner to meet the requirements of the "Emergency Shelter" designation and to be in compliance with CAS requirements. Programs which are considered "Housing Readiness", as defined in Section 4.7, are not considered emergency shelters and are therefore not required to participate in the CAS system. Such programs will be given referral information for Access Points and may be requested to provide documentation of homelessness.

7.7.6 *Transitional Housing*

CoC-coordinated transitional housing programs are required to be coordinated through primary intake access points. As most of the CoC-coordinated transitional housing program beds are dedicated to either unaccompanied youth or victims of domestic violence, clients of such transitional housing programs will meet specific DOPS levels, and the process will be followed for allocation of these transitional housing beds. Youth-serving agencies will utilize the Youth VI-SPDAT tool. For blended transitional housing and rapid re-housing programs, the youth participant, regardless of prioritization level, shall be offered a choice for which housing type (per the HUD program rule). Runaway and Homeless Youth (RHY)-funded programs will adhere to those specific access program rules.

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7.8 Housing Priority List

The CoC lead agency will maintain a centralized Housing Priority List (HPL) of all clients that have been prioritized in the DOPS process and are awaiting housing opportunities. Street outreach, emergency shelter, and Safe Haven programs will act as Access Points and will request placement on the HPL list. Housing providers will take housing participants from the list, as provided by the CoC lead agency, upon request.

All housing providers that are funded through the CoC Program Grant or through an ESG program within the jurisdiction of the CoC must adhere to the range of prioritization levels that were stated in the applications for funding, and which is reflected in its policies and procedures. The CoC lead agency will provide candidates for service based on the parameters set forth under the agency's application. Such candidate provision will ensure prioritization of service to clients who have been on the HPL list the longest amount of time within the aforementioned priority level range (i.e an agency providing services to priority levels 5-7 will receive candidates at level five who have been on the list the longest. Once there are no candidates meeting category five, the candidates will be pulled from level 6). Any changes to the HPL process by the lead agency must be reviewed by the General Assembly and agreed to through amendment of the Memoranda of Agreement, if applicable, and the lead agency must demonstrate due diligence in documenting its reasons for changes.

The CoC lead agency is also responsible for providing regular tracking and reporting of all HPL activity to agencies, the General Assembly, and the Board of Directors. Any changes to a client's HPL status shall be made by CoC Lead Agency staff. It is the responsibility of the CoC Lead Agency to notify Access Point personnel of impending inactivity, and Access Point personnel shall be required to perform due diligence to update status information.

The HPL is ordered by Priority Status and the client's length of time on the HPL. The HPL will be updated by the CoC lead agency at least twice per month and posted in a secure manner that is accessible by any agency staff member that has had HMIS security and privacy training, including Veteran Affairs staff. Program Specific Eligibility HPL reports can be requested from the CoC lead agency.

7.8.1 *Prioritizing Permanent Supportive Housing*

CoC Program Grant funded housing programs must offer housing only to clients on the HPL. Permanent Supportive Housing projects that are dedicated to or include prioritized beds for the chronically homeless must select potential clients from the highest priority clients who are eligible for the program.

7.8.2 *Prioritizing Rapid Re-housing*

CoC Program and ESG funded rapid re-housing programs must use the DOPS process for prioritizing participants. Rapid re-housing can be an intervention at all DOPS priority levels, based on the level of supports provided by the specific rapid rehousing program, and any agency providing such housing under the CoC Program Grant or ESG programs must stipulate in its program policies and procedures the requirements for DOPS prioritization and client selection under the CAS.

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7.8.3 *Prioritizing Rapid Rehousing for Victims of Domestic Violence*

Victims of Domestic violence are understood to be vulnerable and requiring specific service needs related to safety that may not be reflected in the VI-SPDAT assessment tools, and any agency providing such housing under the CoC Program Grant or ESG programs must stipulate in its program policies and procedures the requirements for DOPS prioritization and client selection under the CAS.

7.8.4 *Housing Priority List Maintenance*

The CoC lead agency CAS staff will provide DOPS reviews within three to five business days to ensure clients that are prioritized will appear on the HPL as soon as practicable. If documentation of homelessness or disability is incomplete, the DOPS review will remain pending until complete.

The CoC shall regularly review the status of households at the highest priority level to address any significant housing barriers that result in extended time on the HPL.

7.8.5 *Inactivating Clients from Housing Priority List*

Clients that have remained on the HPL for more than 90 days and have no activity or evidence that they are still homeless within the Continuum of Care will be made inactive, and an encounter will be made to the HMIS record detailing the date and reason for removal from the HPL.

A person or household will be declared inactive when no update to the HPL has been made by Access Point personnel within 90 days. Clients who have not attained housing but are still considered “active”, as determined by the CoC lead agency through updates and communication with the Access Point personnel, will remain on the system. If a person or household has been inactive for 180 days, the person or household will be removed from the HPL.

Clients of rapid re-housing, transitional housing, and Safe Haven programs are moved to the inactive lists upon placement in housing. In some circumstances, the housing provider may contact the CoC lead agency to place the person or household on the active housing list. It is at the discretion of the CoC lead agency to determine the placement of persons on the active lists while they continue to participate in a rapid re-housing program.

The status of “inactive” is separate and different from “removal”. When a person or household is removed from the HPL, the person is no longer considered for services through the CAS and must be re-entered into the HPL upon future encounter with an Access Point. Persons or households who have received housing through permanent supportive housing, other permanent housing shall be removed from the HPL.

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7.9 Documentation of Priority Status and Housing Priority List Processes

The Documentation of Priority Status (DOPS) process provides a systematic method to prioritize persons experiencing homelessness for housing opportunities based on established criteria. These prioritization criteria are detailed on a CoC General Assembly and Board of Director-approved “DOPS Matrix.” The first eight priorities (P1 through P8) are based on the HUD CPD Notice 16-11 “Prioritizing Persons Experiencing Chronic Homelessness and Other Vulnerable Homeless Persons in Permanent Supportive Housing.” The prioritizations will:

- A. Establish an order of priority for dedicated and prioritized permanent supportive housing (PSH) to ensure that those persons with the longest histories residing in places not meant for human habitation, in emergency shelters, and in safe havens and with the most severe service needs are given first priority;
- B. Establish a recommended order of priority for PSH that is not dedicated or prioritized for chronic homelessness in order to ensure that those persons who do not yet meet the definition of chronic homelessness but have the longest histories of homelessness and the most severe service needs, and are therefore the most at risk of becoming chronically homeless, are prioritized for specific program type; and
- C. Establish a recommended order of priority for transitional housing, rapid re-housing for persons who are not chronic or at risk of chronic homelessness.

Clients must consent to share, at minimum, basic and personal information in order to complete the DOPS process.

The DOPS Matrix will be reviewed at least annually by the CoC lead agency and the CoC General Assembly. Recommended amendments to the DOPS Matrix will be approved by the CoC General Assembly and the CoC Board of Directors.

7.9.1 DOPS Criteria

The criteria that determine housing priority status are standardized and based on:

- Homelessness Category, as determined by the Homeless Emergency Assistance and Transition to Housing (HEARTH) Act
- Length of stay
- Severity of service needs, as determined through the Vulnerability Index – Service Decision Assistance Tools (VI-SPDAT)
- Disability

Access Point staff will enter clients in the HMIS system by completing an entry assessment, attaching documentation of homelessness, and submitting documentation of disability (if applicable) to the client record in the HMIS. Such information will constitute the DOPS request and will be submitted to CoC lead agency. The CoC lead agency CAS DOPS

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Coordinator will review information, confirm a priority level, and add the priority status and date of prioritization to the client HMIS record.

7.9.2 DOPS Procedure

Using the HMIS, the DOPS Coordinator will review necessary documentation needed to prioritize the client, based on length of stay and vulnerability. Documentation includes consent forms, documentation of homelessness (outreach letters, bed stays where applicable, self-certification statements, etc.), and documentation of disability (if applicable).

The CoC lead agency staff shall develop a standardized DOPS summary form which will identify all required information and all pertinent placement information such as geographic location, subpopulation(s), mental health, domestic violence status, youth homeless, etc. All participating Access Points will utilize this standardized summary form.

When reviewing documentation of homelessness, the DOPS Coordinator will review the date ranges listed to verify the length of stay. Documentation of shelter residence will follow the HUD guidelines for source material prioritization. CoC Program Grant or ESG-funded shelter programs must include information related to recordkeeping in program policies and procedures that outline the documentation necessary to substantiate stays. The CoC lead agency will monitor such policies and ensure programmatic compliance with policies. The CoC lead agency reserves the right to require documentation of bed stays in cases where noncompliance has been shown. A self-report affidavit and/or a single encounter with a homeless provider in a non-sheltering situation (by itself) is not considered a full documentation for prioritization purposes. Such interaction must be accompanied by other documentation of homelessness or intake worker observation.

Access Point personnel will request DOPS placement upon receipt of the minimum required documentation. The client files can, and should be, updated to reflect additional information and documentation, as such documentation might change prioritization status (i.e. additional homelessness letters which lead to a determination of chronic status). However, the initial date of entry onto the DOPS will serve to document the length of stay on the DOPS list, regardless of priority level. All breaks in homelessness shall be documented by the referring agency.

All data must be protected, and client privacy must be maintained. In cases of victims of domestic violence, guidelines set forth by HUD, the Victims of Crime Act, and the Violence Against Women Act must be followed.

DOPS Matrix priorities housing match guidelines are stratified across priority levels:

- A. *Priority 1 through 4 - Individuals or families that meet the HUD definition of chronically homeless.* Under this category, permanent supportive housing and Rapid Rehousing programs are recommended placements.

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- B. *Priority 5 through 8: Individuals or families head of households with a documented disability and at risk for chronic homelessness.* Non-chronic homeless dedicated permanent supportive housing, rapid re-housing programs, or transitional housing are recommended for households under this category.
- C. *Priority 9 through 12: Individuals or families that may or may not have a documented disability.* Shorter-term rapid re-housing or transitional housing programs are recommended placements under this category. In some cases, homeless prevention and flexible assistance funds may be utilized.
- D. *Non-priority: Individuals or families that only meet the At-Risk of Homeless definition.* Diversion case management or homeless prevention are recommended for persons under this category.

Client prioritization status will be reviewed by the CoC lead agency CAS staff and updated if any criterion is changed or if the person/household is not housed after 90 days of placement on the DOPS list, unless approved by the CoC lead agency staff. Criteria changes may result in a new priority status level. If a client experiences a significant change in criteria before 90 days, Access Point personnel can request the CoC lead agency CAS staff to re-prioritize the client to a new priority status level. The client must have a form of contact information or frequent location entered into HMIS in order to be updated on the Housing Priority List. If the CoC lead agency determines that a person/household's DOPS listing is inactive, after the initial 90-day period, the CoC lead agency may remove such information from the DOPS list.

The DOPS Coordinator will provide the requesting staff with notification of completion within three business days of request. The notification will confirm the priority status of the individual or family and will be uploaded into HMIS.

7.9.3 *Other Housing Prioritization Criteria*

The CoC lead agency CAS staff will work with other institutions that provide housing outside of CoC Program Grant or ESG funding to allow for other priority criteria documentation within the HMIS and CAS Housing Priority List such as frequent utilization of county jail book-ins or admissions to area hospitals. The CoC lead agency will ensure the homeless service providers clearly understand how other prioritizations are applied/reported and the housing opportunities available for clients falling within these other criteria.

The Coordinated Assessment System, CoC Program Grant, or Emergency Solutions Grant funded projects will not apply screening, assessment, or other criteria that screens out persons from such barriers as too little or no income, active substance abuse or a history thereof, domestic violence history, resistance to receiving services, the type or extent of a disability-related service or supports that are needed, history of evictions or poor credit, lease violations or history of not being a leaseholder, or criminal record.

7.9.4 *Prioritization of Victims of Domestic Violence*

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Agencies who provide services and/or shelter to victims of domestic violence will have equal access to prioritization of their clients for housing and equal access to housing through CoC Program Grant and ESG funded programs. To ensure adequate protections of individuals, all requests for housing prioritization from domestic violence service and shelter providers will be referenced only by an identifier that is not tied to any personal identifiers such as name or date of birth. This identifier will be supplied by the requesting agency and may be generated from HMIS or any other HMIS equivalent system used by requesting agency. All documentation required to determine prioritization status will be faxed directly to the lead CAS agency or sent via encrypted and secure e-mail only to CAS agency staff. Once prioritized, and to the maximum extent practicable, the identifier number supplied by the requesting Domestic Violence agency will be placed on the Housing Priority List in place of name, date of birth, and any other personal identifying information that would otherwise appear on the Housing Priority List. When housing becomes available, the housing agency will reach out directly to the original referring agency and provide that agency with the identifier number to begin the process of housing.

7.9.5 *Requesting Clients from the Housing Priority List*

The CoC lead agency will assign clients who meet the basic, pre-determined criteria of a particular program to the requesting housing provider. The requesting agency must document, as an encounter in HMIS, at least three separate attempts to contact clients. Agencies shall use multiple methods of attempted contact, as applicable. Attempts should include: direct contact with agency staff with recorded services for the client, phone calls to client and family contacts, inquiries with street outreach and day shelter service providers.

Once the requesting agency has been assigned clients, the agency will be required to do its documented due diligence to contact the clients before requesting additional names from the CAS director. If the client cannot be located, the agency must document the specific attempts to contact the client, make case notes in HMIS, and inform the CoC lead agency CAS staff that the client has not been found.

7.9.6 *Client Refuses Housing Opportunity*

If the client is contacted but turns down the housing offer, such refusal is reported to the CoC lead agency and the agency will document the encounter in HMIS detailing the denial circumstances. A person/household that refuses housing is not removed from the housing priority list. However, should a person/household refuse housing four or more times, the CoC Lead agency will not provide the person/household's information to subsequent housing providers until such time as the person/household has informed an agency or the Access Point that he or she is ready to receive housing services.

7.9.7 *Client Accepts Housing Opportunity*

When a client is deemed eligible for the program and accepts housing, the agency will enroll the client in the program. When the client achieves the residential move in date, the agency will inform the CoC lead agency CAS staff that the client is housed and in what program the client is enrolled. This will ensure that the client maintains correct HPL status and that the client has an HMIS exit assessment recorded in a timely manner to a permanent supporting

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housing destination from the originating organization. Programs are encouraged to maintain an enrollment to residential move-in date of no more than 60 days.

Clients receiving rapid re-housing assistance will be moved to the inactive list of the HPL upon placement into housing. Should the client need to have access to permanent supportive housing or other permanent housing options, the case manager will contact the CoC lead agency staff and inform the staff of the need to move said client to active status on the HPL.

7.10 Housing Search and Placement

The CoC lead agency CAS team will provide assistance to agencies in identifying rental properties and negotiating with landlords to increase housing opportunities.

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Section 8: Written Standards - Assistance and Care

24 CFR §578.7(a)

The Dallas City & County, Irving Continuum of Care (CoC), in consultation with CoC General Assembly members, CoC committees, recipients of Emergency Solutions Grants (ESG) program funds within the geographic area, and the CoC Board of Directors has established and consistently follows written standards for providing assistance which are incorporated into the coordinated assessment system process. These standards provide guidance for:

- Evaluating individuals' and families' eligibility for assistance under 24 CFR Part 578
- Determining and prioritizing which eligible individuals and families will receive transitional housing assistance
- Determining and prioritizing which eligible individuals and families will receive rapid rehousing assistance
- Determining what percentage or among of rent each program participant must pay while receiving Continuum of Care (CoC) Program Grant-funded rapid rehousing assistance
- Determining and prioritizing which eligible individuals and families will receive permanent supportive housing assistance
- Adhering to a Housing First strategy
- Establishing a minimum standard of care for supportive services for permanent supportive housing

Prioritization guidelines are incorporated into the Coordinated Assessment System (CAS) policies and procedures as detailed in the Documentation of Priority Status (DOPS) guidelines.

The CoC will review written standards for assistance and the Coordinated Assessment System on at least an annual basis and will consider input from multiple sources regarding provider and program participant feedback, Homeless Response System performance data, homeless population data, and changes in the housing and service resources available with the CoC.

CoC-funded and Emergency Solutions Grant (ESG)-funded programs within the geographic scope of the CoC are required to include standards of care in their program-specific policies and procedures. Such standards shall also include standards and thresholds related to client assets, income limits, and participation requirements. Such program-specific policies and procedures are subject to review by the CoC, and the CoC shall monitor programs for compliance with such requirements.

8.1 Housing First Approach

The CoC adheres to a Housing First Strategy in the provision of permanent supportive and transitional housing. Housing First is an approach to quickly and successfully connect individuals and families experiencing homelessness to permanent housing without preconditions and barriers to entry, such as sobriety, treatment or service participation requirements. Supportive services are offered to maximize housing stability and prevent returns to homelessness as opposed to addressing predetermined treatment goals prior to permanent housing entry.

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The CoC has adopted the following Housing First checklist for its CoC Program Grant projects:

8.1.1 *Housing First Enrollment Standard*

Applicants are accepted regardless of their use of substances, compliance with treatment, and participation in services and can be referred from any part of the crisis response system frequented by vulnerable people experiencing homelessness. Poor credit history, rental history, criminal background, or other “housing readiness” behaviors will not be considered barriers to housing assistance. Applicants are NOT required to have income prior to admission. Programs must exhaust all housing options for applicants presenting with any barriers to housing, and every effort should be made to avoid continuing an applicant’s homelessness.

8.1.2 *Housing First Service Delivery Standard*

Engagement and problem-solving are emphasized over therapeutic goals. Service plans are tenant-driven without predetermined goals. Participation in services is not a condition of permanent supportive housing tenancy.

8.1.3 *Housing First Discharge standard*

The following are the standards of care related to Housing First:

- A. Use of alcohol and drugs in and of itself is not a reason to evict a tenant.
- B. Tenants’ eviction cannot be for failure to follow through with supportive services or a treatment plan.
- C. Tenants may be evicted from the housing program only for serious program violations defined in written policies that are aligned with HUD prescribed Housing First guidance and/or rental property lease violations.
- D. Tenant must be informed of actions that could possibly cause termination from housing during intake, at recertification, and at any point of substantive change to the termination policy during program participation as verified by tenant signing an acknowledgment document to verify receipt of the termination policy.

8.2 **Minimum Standards of Care for Case Management in Permanent Supportive Housing**

Highly skilled and effective case management that helps to ensure that formerly homeless individuals secure and maintain permanent supportive housing is a core component of Continuum of Care housing programs. In addition to general case management goals of determining household needs, working with program participants to develop plans of action to address those needs, and facilitating program participant access to services and resources for long-term housing stabilization, the CoC has

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developed additional standards of care for permanent supportive housing programs within the CoC geographic area of Dallas and Collin Counties.

These minimum standards of care are applicable to programs within the CoC that provide permanent supportive housing services through the CoC Program Grant. All applicable programs within the CoC are required to maintain Policies and Procedures specific to their particular programs. However, at a minimum, each permanent supportive housing program's Policies and Procedures shall contain the minimum standards of care as outlined below. For the purpose of this document, the term "program participant" will be defined as the household or individual receiving assistance from a CoC Program Grant funded Permanent Supportive Housing (PSH) program.

Many of the CoC Program Grant-funded PSH programs function under a Housing First Model, and therefore case managers will encourage, but cannot require, program participant involvement in case management. As such, the local Standard of Care elements are contingent on program participant acceptance of assistance but will be incorporated to the greatest extent practicable. Case managers will document all efforts to comply with local standard of care elements when working with program participants.

8.2.1 Case Manager Responsibilities – Program Enrollment through First Month of Housing

The case manager will provide the program participant with apartment search resources and assist in apartment location efforts as needed.

During transition and within the first month of housing placement the program participant will require more intensive case management to ensure program sustainability.

8.2.2 HUD Required Elements:

- A. To the maximum extent practicable, families with children should be placed as close to possible to the school of origin so as not to disrupt the children's education [24 CFR 578.23(c)(7)]
- B. The case manager should confirm that each CoC Program Grant-assisted unit has at least one bedroom or living/sleeping room for each two persons and that children of the opposite sex, other than very young children, are not required to occupy the same bedroom or living/sleeping room [24 CFR 578.75(c)]
- C. Ensure that the unit is ready for habitation – The case manager should document all inspections have been completed and that the unit passes HUD Housing Quality Standards. This must be done before any leasing assistance or rental assistance can be provided to the program participant (24 CFR 578.75(b)(2))
- D. Determine that all applicable utilities have been secured and are in the program participant's name, if applicable

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- E. When families are placed ensure that children who are to be served in the program will be enrolled in school and connected to childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of Title VII of the Act [24 CFR 578.23(c)(4)(iv)].

8.2.3 Local Standard of Care Elements

Once housing has been identified, the case manager will facilitate the arrangements with any specific landlord and aid the program participant in understanding any lease requirements and payment responsibilities.

The case manager will meet with the program participant in the new home on the day that housing has been secured and the day after the program participant has moved into the unit. The case manager will also meet the program participant in his/her home at least weekly during the first month of housing to monitor the transition process.

The case manager will ensure that basic needs are met and that program participant is knowledgeable on how to obtain resources as needed to include:

- Minimum basic furniture
- Food, toiletries and basic cleaning supplies
- Understanding of use of appliances (stoves, etc.), and unit maintenance processes.
- Transportation for all appointments including those to ensure mental, physical, and social well-being as well as appointments for any children in the household including childcare and school transportation needs

The case manager will ensure that the requirements and expectations of being a responsible tenant are discussed to include:

- Timely rental payments
- Maintaining utilities
- Maintaining contact with case manager and when to contact for assistance.
- Understanding and following the Lease Agreement – this includes any applicable pet policies, reporting maintenance issues, trash policy, appropriate noise level, etc.

The case manager will develop an individualized service plan with the program participant that fully addresses an action plan for any areas of concern with the program participant's situation that may need to be addressed in order to avoid potential eviction or landlord problems.

The case manager will provide each landlord with complete contact information to be used when issues arise. If the landlord contacts the case manager with a concern related to a program participant, the case manager or other authorized representative of case manager's agency will contact the landlord within one business day with an action plan for how to address the landlord's concerns.

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8.2.4 Case Manager Responsibilities – Months Two through Six of Housing

Once the initial month of residency has been completed, the case manager should evaluate the program participant to gauge the participant's need for case management assistance. Depending on participant need, this could vary from intensive (weekly or more than one visit per week) to low need (two times per month).

Local Standard of Care elements include:

- A. Visiting the program participant at least twice per month, or more if program participant is in need of greater assistance, to maintain positive housing status. At least one of these visits should be engagement within the program participant's home. During the onsite visit, the case manager will:
 - I. Lightly inspect apartment to ensure basic minimum housekeeping standards are upheld
 - II. If cleanliness issues exist, discuss the likelihood of pest problems or other issues that could lead to lease violations
 - III. Engage consumers with clinicians or other avenues of assistance in the event that mental health decompensation is self-reported by consumer or is identified by case manager, landlord, or other third party
- B. Aiding the program participant in developing ongoing action plans to work through program participant goals and how to achieve them.
- C. For scattered site placements case managers will regularly make contact with the landlord, or other representative of the program participant's housing, to provide assistance regarding any program participant issues.
- D. Case manager will continue to respond to any landlord concerns within one business day with an action plan for how to address the landlord's concerns.

8.2.5 Case Manager Responsibilities – Month Seven until End of PSH Assistance

After initial six months of housing, and as participant needs change, the case manager will re-evaluate participant needs on a frequent basis. The Case Manager will continue to provide assistance provided in months two through six and will engage the program participant at least once per month in the program participant's home or more if program participant is in need of greater assistance to maintain positive housing status.

HUD Required Elements include:

- Inspecting all units at least annually during the grant period to ensure that the units continue to meet HUD's Housing Quality Standards [24 CFR §578.75(b)(2)]
- Ensuring that available supportive services to be provided to the program participants were designed to address the needs of program participants [24 CFR 578.37(a)(1)(i); 24 CFR 578.53(a)]

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- Conducting an ongoing assessment of the supportive services needed by program participants, the availability of such services, and the coordination of services needed to ensure long-term housing stability. Adjustments must be made as appropriate [24 CFR §578.75]

Local Standards of Care include:

- Maintaining case management skill and expertise by attending CoC-sponsored trainings to keep abreast of best practices in housing case management. This includes but is not limited to the Ready to Rent course and case manager round tables.
- Ensuring all interactions with program participants are documented in program participant files or in HMIS in accordance with HMIS data requirement standards.

8.3 Continuum of Care Program Rapid Re-housing Assistance Policies and Procedures

Rapid Rehousing Housing Projects are designed to provide flexible programming that will expedite a household's ability to become self-sufficient through time-limited rental subsidy programs. The CoC will establish priority population(s) for Rapid Rehousing assistance consistent with HUD Continuum of Care Program Notice of Funding Availability (NOFA) requirements and in accordance with 24 CFR §578.37(a)(1)(ii). The CoC will take into consideration recent point-in-time analysis, housing inventory, and unmet need reports when creating the CoC Rapid Re-housing policy and establishing priority population(s) to receive assistance. Sub-recipients must follow stipulations established in 24 CFR §578.37(a)(1)(ii) as well as the policies established below and incorporate compliance with all mandatory procedures into their project's written standards.

CoC Program Grant-funded Rapid Re-Housing Projects are to operate according to a "Housing First" model, in compliance with the Housing First Checklist prescribed by the CoC Policies and Procedures, with the exception that participating families must attend case management appointments at least once per month to remain eligible for Rapid Re-housing assistance.

8.3.1 Summary of Rapid Rehousing Policy

The CoC is required to determine priority populations for rapid re-housing assistance, the share of rent paid by participants, the maximum assistance available, the maximum amount of time a client may receive assistance, and the maximum times a household may participate in a rapid re-housing program.

To that end, the CoC policies set the following parameters for service:

- Priority populations will be individuals and/or households with children, persons literally homeless or actively fleeing domestic violence, and who are under 50% of the HUD Area Median Income.

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- Rent paid by participants will be determined monthly by the case manager, as discussed later in this section and in compliance with funding limitations listed later in this section
- A client of a CoC rapid re-housing program (including CoC Program Grant and ESG) may receive up to 18 months of service
- A client of a CoC rapid re-housing program may receive assistance no more than two times in a three-year period (a total of CoC Program Grant and ESG; not limited to the CoC)

8.3.2 *Priority Population for Rapid Re-housing*

Continuum of Care funded rapid re-housing programs may be used for rental assistance and supportive services to individuals and households with children who are homeless according to Categories 1 or 4 of the federal definition of homelessness; that is, they must be literally homeless or fleeing domestic violence. Eligible applicants must be obtained for screening and intake from the CoC's official Coordinated Assessment System.

CoC Program Grant-funded Rapid Re-housing program applicants' gross household incomes must fall below or equal to 50% of HUD area median income (AMI) to be determined as eligible to receive program assistance. The calculation of gross household income must follow existing Continuum of Care Program Requirements.

Households that qualify for assistance under category 4 of the HUD definition of homelessness may exceed the initial income eligibility requirement for up to the first three months of assistance with documentation and explanation of the need for such exception.

8.3.3 *Maximum Program Participation*

Program participants may participate in a Rapid Re-housing Program within the CoC Program Grant a maximum of two times over a 36-month period, including participation in an ESG Rapid Rehousing Program.

Rapid Re-Housing providers should include in their policies and procedures performance measures to ensure the effectiveness of rapid re-housing programs. Such metrics include:

- Participant length of stay
- Participant exits to permanent housing
- Cost per household
- Length of time between program approval and move-in

The CoC lead agency and Performance Review and Allocations Committee (PRAC) reserve the right to evaluate all CoC-funded agencies providing rapid re-housing services on the existence of, effectiveness of, and performance against such metrics.

8.3.4 *Continuum of Care Rapid Re-housing Rental Subsidy*

CoC Program Grant Rapid Re-housing Program sub-recipients must apply subsidy and program assistance in a fair and consistent manner for all clients within the CoC Program

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Grant Rapid Rehousing Program. For sub-recipients desiring to use CoC Program Grant rapid re-housing as a bridge to PSH subsidies it is important to note that, according to HUD's Office of Special Needs Assistance Programs, "participants receiving rapid re-housing assistance who met the definition of chronically homeless upon entry into the project may maintain their status as chronically homeless during the period in which they are receiving rapid re-housing assistance. Therefore, these individuals and families remain eligible for PSH units that have been dedicated to serve the chronically homeless."

The Rapid Re-housing program is designed as a flexible assistance program that is dependent upon ongoing case manager and client interaction to develop and determine rental payments. Approval amounts are based on the number of required bedrooms for the individual or family assisted and fair market rent. While clients are approved for an "up-to" assistance time period, not to exceed 18 months, there is no set schedule of declining subsidy. Clients are approved for financial assistance up to a specific dollar amount, described below, and the amount of monthly rental assistance will be determined by a collaborative conversation between the case manager and the client on a monthly basis. No waiver of the approval amounts or time limits will be allowed. Subsidy may be adjusted within the monthly approval period according to need, but the total subsidy may not exceed the maximum rental assistance described below.

It is the goal of the Rapid Re-Housing program to assist clients for the minimum amount of dollars and time that are required for the client to self-sustain his or her rental payments. The maximum subsidy amounts are determined with the understanding that this assistance would not in itself fully fund rent for the approved time limit. Thus, monthly financial coaching and budgeting is a key component for success under this program. This rental assistance subsidy model can be used as "bridge housing" to a more permanent subsidy or as a flexible subsidy to assist households to pay rent without subsidy, as appropriate to the household's needs and resources.

Agencies may set more restrictive parameters for assistance but must meet the minimum requirements set forth herein.

The maximum rental assistance subsidy for each program participant will be determined according to the current HUD Fair Market Rent determination for the Dallas, TX HUD Metro Area, as described below. Rapid Re-Housing projects must update their Rental Assistance limits whenever HUD finalizes new Fair Market Rent standards and apply subsidies according to the updated limits for all new participants during that period; thus, at most times, projects will be operating under two rental assistance plans at the same time.

The rental assistance parameter are designed to apply maximum rental assistance subsidy according to a declining subsidy model, wherein program participants may receive a total of up to 12 months of rental assistance across a 18-month period.

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An example of how of this would work:

- The client moves in on December 1, 2018 and is approved for a two-bedroom apartment
- HUD's published Fair Market Rent for a two-bedroom at that time was: \$1,201
- The client would be approved for a total assistance amount of \$14,412, which includes all security deposits, moving costs, and other eligible costs
- The client could receive assistance through June 2020

Projects may utilize the formula below to calculate their rental assistance parameters each year. The rental assistance matrices must be updated in the project's written standards whenever the HUD Fair Market Rent changes.

8.3.5 *Subsidy Communication*

Program participants should understand that this subsidy is time-limited and subject to funding availability on a monthly basis, and it is recommended that the subsidy be communicated as such. All leases must be signed in the client's name and rental payments by the client and project must be made directly to the rental unit owner or manager. If a client is delinquent in paying their agreed-upon share of rent, the project has discretion to terminate financial assistance after project staff members have made documented attempts to intervene.

8.4 **Victims of Crime Act and Violence Against Women Act Compliance**

The CoC lead agency, its funded sub-grantees, and all contractors of the CoC shall comply with the provisions of the Victims of Crime Act (VOCA) and Violence Against Women Act (VAWA), particularly with respect to client privacy and data collection.

8.5 **Rapid Rehousing Standards of Care**

This section will be added in the future.

8.6 **Street Outreach Standards of Care**

This section will be added in the future.

8.7 **Transitional Housing Standards of Care**

This section will be added in the future.

8.8 **Emergency Shelter Standards of Care**

This section will be added in the future.

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Section 9: Emergency Solutions Grant (ESG) Administration and Consultation

24 CFR §578.7(a) and (c) and 24 CFR 578.39

The Dallas City & County, Irving Continuum of Care (CoC) will regularly consult with Emergency Solutions Grant (ESG) that serve direct grantees of funding from the United States Department of Housing and Urban Development (HUD) within the CoC jurisdiction in order to coordinate and collaborate. Such coordination and collaboration is necessary to ensure that the grantees effectively strategize about the systems of assistance needed to address homelessness and how the respective funding streams can support provision of that assistance. Such grantees include: The State of Texas through the Texas Department of Housing and Community Affairs (TDHCA), the City of Dallas, Dallas County, the City of Irving, and the City of Garland.

In Fiscal Year 2016, TDHCA allowed for the various continua of care in Texas to serve as coordinators of the ESG local competition. The CoC Board of Directors directed the CoC lead agency to serve as the TDHCA ESG local competition coordinator.

9.1 CoC Consultation with ESG Recipients

The CoC lead agency will facilitate no less than two meetings per year with ESG recipients and will provide jurisdiction specific point in time and housing inventory information. In addition, the CoC lead agency will provide information on homeless and other special needs activities in support of Consolidated Action Plans, Annual Action Plans, and Consolidated Annual Performance and Evaluation Reports (CAPERs), advise ESG grantees and sub-grantees, and coordinate the development and implementation of the Coordinated Assessment System (CAS) and implement standards for providing assistance. The CoC lead agency will also share ESG funding opportunities with the CoC listserv while also making the Homeless Management Information System (HMIS) available for use by ESG projects.

In compliance with 24 CFR 576.400(a), which states, “[ESG recipients] must consult with each Continuum of Care that serves the recipient’s jurisdiction in determining how to allocate ESG funds each program; developing the performance standards for, and evaluating the outcomes of, projects and activities assisted by ESG funds; and developing funding, policies, and procedures for the administration and operation of the HMIS.”, ESG recipients will consult with the CoC lead agency on the development and issuance of ESG funding opportunity announcements and advise the CoC lead agency on the timeline for the annual development and submissions of Consolidated Action Plan, ESG funding opportunities, and CAPER submissions. Furthermore, ESG recipients will provide to the CoC lead agency a listing of ESG sub-recipient allocations, budgets, and activities in a timely fashion in order to update CAS resources and create projects in the Homeless Management Information System (HMIS), where applicable.

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9.2 TDHCA ESG Competition CoC Coordination

The CoC Board of Directors must authorize by resolution the CoC lead agency to coordinate the TDHCA Emergency Solutions Grant (ESG) CoC TX-600 local competition. Per prior CoC action, the collaborative applicant is determined to be the CoC lead agency.

Priority for allocations of Emergency Solutions Grant funds from TDHCA is given to programs that:

- Benefit chronically homeless persons
- Assist in rapidly moving homeless persons into housing
- Address specific subpopulation needs as identified by the CoC Strategic Work Plan
- Are cost-effective, as defined by the CoC lead agency and integrated into the CoC CAS, where applicable
- Include a system of programmatic measurements to identify quantifiable data points indicating benchmarks for success

9.2.1 Selection of ESG Sub-recipients:

Recipients of ESG funding through the CoC or as direct grantees within the geographic scope of the CoC must actively participate in communitywide planning efforts, as defined through participation in the CoC General Assembly and/or CoC committees, and fully participate in the HMIS and CAS, where applicable, to ensure the strategic use of resources by all providers of homeless services. Applicants must also complete all notice of funding requirements, as set by both TDHCA and the CoC lead agency.

Sub-recipients must ensure the following housing services for individuals/families are available:

- A. Thorough evaluation of cost effective and programmatically effective housing options providing homeless individuals and households with the most appropriate housing type utilizing a stepped-up staircase approach starting with minimum intervention/most cost effective (e.g. emergency shelter, rapid re-housing, permanent supportive housing, or permanent housing).
- B. Incorporate supportive services that foster residential and personal stability, either directly or through community partners, such as subsidized rent, housing and medical case management, mental healthcare management, and substance abuse treatment.
- C. For homeless individuals or households placed in emergency shelters, rapid re-housing, permanent supportive housing, or permanent housing, ESG sub-recipients shall assist the client in locating/maintaining suitable and affordable housing.
- D. For homeless individuals or families placed in emergency shelters, rapid re-housing, permanent housing, permanent supportive housing, ESG sub-recipients will ensure housing meets housing quality standards established by Federal regulations.

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Recipients TDHCA ESG funds must provide minimum supportive services or have access to supportive services through community partners that will include, but are not limited to:

- Comprehensive assessment upon enrollment into the ESG Program
- Full range of case management services to facilitate housing stability for participants including home visits (where applicable), referrals for community-based services, and other such assistance aimed at addressing the varied needs of persons and households served
- Assistance for enrolling in mainstream benefit programs such as Temporary Assistance to Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP, commonly referred to as Food Stamps), Medicaid, and Social Security Disability or Supplemental Income
- Medical and mental health treatment or services
- Substance use treatment or services
- Education/vocational training
- Job counseling/ training/job placement
- Child care, and
- Transportation necessary to maintain permanent housing

9.2.2 *Program Limits and Sub-recipient Discretion*

Services shall be rendered to clients for a period of time within regulatory limits and as deemed necessary to stabilize and provide for the likelihood of positive outcomes. Program participants are eligible to receive assistance for up to 24 months of service in a three (3) year period as determined by the certification process required of all ESG clients. Within the HUD limits and bounded by CoC accords, ESG sub-recipients have discretion to set limitations as is relates to:

- Maximum amount or % of rental assistance
- Maximum number of times served with rental assistance
- Share of rent costs covered by participants

9.3 ESG Program Performance

ESG program performance measures will be developed from HMIS ESG Program Specific data elements. However, through an ongoing collaborative effort, ESG recipients may establish numerical goals for these performance measures, as well as implement additional performance or outcome measures for ESG projects within their jurisdiction. Minimum performance measurement standards are listed below.

9.3.1 *Street Outreach*

Street Outreach will be measured through the following data elements:

- Unduplicated number of persons contacted, engaged and enrolled in case management

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- Unduplicated number of persons successfully referred for other essential services such as mental health, substance abuse treatment, and/or medical care
- Unduplicated number of persons exiting unsheltered homelessness into temporary or permanent housing destinations

9.3.2 *Emergency Shelter*

Emergency Shelter Services will be measured through the following data elements:

- Total unduplicated number of persons served (for Operations activities, total of all persons that accessed the emergency shelter/day shelter)
- Unduplicated number of persons receiving case management
- Unduplicated number of persons receiving overnight shelter
- Unduplicated number of persons receiving essential services
- Unduplicated number of persons exiting shelter to transitional housing destinations
- Unduplicated number of persons exiting shelter to permanent housing destinations

9.3.3 *Homeless Prevention*

Homeless Prevention programs will be measured through the following data elements:

- Unduplicated number of persons served with Homeless Prevention funds
- Unduplicated number of persons receiving case management
- Unduplicated number of persons receiving financial services
- Unduplicated number of persons exiting to permanent housing destination
- Unduplicated number of adults with more non-cash, cash, or employment income at exit than at program entry

9.3.4 *Rapid Re-housing*

Rapid Re-Housing programs will be measured through the following data elements:

- Unduplicated number of persons served with RRH funds
- Unduplicated number of persons receiving housing search and placement services
- Unduplicated number of persons receiving case management
- Unduplicated number of persons receiving financial assistance
- Unduplicated number of persons exiting to permanent housing destination
- Unduplicated number of adults with more non-cash, cash, or employment income at exit than at program entry

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Section 10: Administrative Requirements

The TX 600 Dallas City & County, Irving Continuum of Care (CoC), its lead agency, and its sub-recipients, contractors, and other affiliated parties will ensure that cross-cutting and administrative Federal requirements will be met regarding the operations of CoC. Primary guidance for CoC programs will be provided through the United States Department of Housing and Urban Development (HUD), but other regulatory provisions may be applicable to programs or projects within the CoC. The CoC, its sub-recipients, contractors, and other affiliated parties will comply fully with all applicable laws and regulations that are currently in effect or that are hereafter amended during the performance of this Agreement. Those laws include, but are not limited to:

- The McKinney-Vento Homeless Assistance Act at 42 U.S.C. 11371-11378, as amended by the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, as set out above
- Regulations at 24 CFR Part 578, Continuum of Care Program
- Title VI of the Civil Rights Act of 1964 (42 U.S.C. Sections 2000d *et seq.*) including provisions requiring recipients of Federal assistance to ensure meaningful access by persons of limited English proficiency
- The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. Sections 3601 *et seq.*)
- Executive Orders 11063, 11246 as amended by 11375 and 12086 and as supplemented by Department of Labor regulations 41 CFR, Part 60
- The Age Discrimination in Employment Act of 1967
- The Age Discrimination Act of 1975 (42 U.S.C. Sections 6101 *et seq.*)
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. Sections 4601 *et seq.* and 49 CFR Part 24 (“URA”))
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sections 794 *et seq.*) and 24 CFR Part 8 where applicable
- National Environmental Policy Act of 1969, as amended, 42 U.S.C. sections 4321 *et seq.* (“NEPA”) and the related authorities listed in 24 CFR Part 58
- The Clean Air Act, as amended (42 U.S.C. Sections 1251 *et seq.*) and the Clean Water Act of 1977, as amended (33 U.S.C. Sections 1251 *et seq.*), related Executive Order 11738 and Environmental Protection Agency Regulations at 40 CFR Part 15. In no event shall any amount of the assistance provided under this Agreement be utilized with respect to a facility that has given rise to a conviction under the Clean Air Act or the Clean Water Act.
- Immigrations Reform and Control Act of 1986 (8 U.S.C. Sections 1101 *et seq.*), specifically including the provisions requiring employer verifications of legal status of its employees
- The Americans with Disabilities Act of 1990 (42 U.S.C. Sections 12101 *et seq.*), the Architectural Barriers Act of 1968 as amended (42 U.S.C. Sections 4151 *et seq.*), and the Uniform Federal Accessibility Standards, 24 CFR Part 40, Appendix A
- Regulations at 2 CFR Part 200 related to lobbying, including the requirement that certifications and disclosures be obtained from all covered persons
- Drug Free Workplace Act of 1988 (41 U.S.C. Sections 701 *et seq.*) and 24 CFR Part 23, Subpart F
- Executive Order 12549 and 24 CFR Part 5.105(c) pertaining to restrictions on participations by ineligible, debarred, or suspended persons or entities
- Regulations at 24 CFR Part 882.708(C) pertaining to site and neighborhood standards for new

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construction projects

- Regulations at 24 CFR Part 983.6 for Site and Neighborhood Standards Review
- Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act
- Guidelines of the Environmental Protections Agency at 40 CFR Part 247
- For contracts and sub-grants for construction or repair, Copeland “Anti-Kickback” Act (18 U.S.C. 874) as supplemented in 29 CFR Part 5
- For construction contracts in excess of \$2,000.00, and in excess of \$2,500.00 for other contracts which involve the employment of mechanics or laborers, Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327A 300) as supplemented by 29 CFR Part 5
- Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 *et seq.*), as amended by the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 *et seq.*) and implementing regulations at 24 CFR Part 35, subparts A,B,M, and R
- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200 *et seq.*
- Federal Finding Accountability and Transparency Act of 2006, (Pub.L. 109-282, as amended by Section 6205(a) of Pub.L. 110-252 and Section 3 of Pub.L. 113-101)
- Federal Whistleblower Regulations, 10 U.S.C. 2409, 41 U.S.C. 4712, 10 U.S.C. 2324, 41 U.S.C. 4304, and 41 U.S.C. 4310
- Victims of Crime Act of 1984 (28 CFR 94), as amended
- Title VI of the Violence Against Women Act of 2013 (Pub.L.113-4, 127 Stat.54, approved March 7, 2013 at 127 Stat.1001), reauthorizing and amending the Violence Against Women Act of 1994 (Title V, Sec.40001-40703 of Pub. L. 103-322), which was previously reauthorized by Violence Against Women Act of 2000 (Pub. L. 106-386) and Violence Against Women Act of 2005 (Pub. L. 109-271, approved August 12, 2006).

10.1 Applicability of Uniform Administrative Requirements

The CoC shall follow Office of Management and Budget (OMB) Super-circular (2 CFR 200) for guidance on program objectives, procedures, and compliance for CoC programs.

10.2 Recordkeeping

The CoC lead agency will establish and maintain sufficient records to enable State, local, and HUD officials to determine whether the CoC has met the HUD requirements for activities administered by the CoC under HUD funding. The CoC shall require all funded agencies to maintain records in a manner consistent with this policy for specific programs. At a minimum, the following will be maintained: a full description of each activity conducted by the CoC, including the location, the amount of funds budgeted, obligated and expended amounts for the activity, and the provision under which it is eligible.

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10.2.1 Financial Records

Financial records must be maintained including source documentation for entities not subject to part 200 of the regulation. The CoC shall maintain evidence to support how the Federal funds provided to such entities are expended. Such documentation must include, to the extent applicable, invoices, schedules containing comparisons of budgeted amounts and actual expenditures, construction progress schedules signed by appropriate parties (e.g., general contractor and/or a project architect), and/or other documentation appropriate to the nature of the activity.

Procurement records must be maintained sufficient to detail the history of procurement. These records will include, but are not limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, justification for lack of competition when competitive bids are not obtained, evaluation criteria and results, and basis for award cost and price. Procurement files will be maintained in the selected vendor's payable file. Financial records, supporting documents, statistical records, and all other records pertinent to a Federal award must be retained for a period of five years from the close of the project or activity for which the goods or services were procured.

10.2.2 Continuum of Care Records

As the collaborative applicant for the CoC, the CoC lead agency is required to retain records documenting the process and activities undertaken to establish and operate the CoC. Specifically, the collaborative applicant will maintain evidence that:

- A. The Board selected by the CoC is composed of representatives from organizations whose projects serve homeless subpopulations with the CoC's geographic area and of at least one homeless or formerly homeless individual per 24 CFR §578.5(b).
- B. The CoC has been established and operates in compliance with the requirements in Subpart B of the CoC Program Rule, including:
 - i. Published agendas and minutes from regular CoC General Assembly and CoC Board meetings
 - ii. A governance charter that is reviewed and updated annually
 - iii. A written process for selecting a board that is reviewed and updated at least once every five years
 - iv. Documentation designating a single HMIS for the CoC; and
 - v. Monitoring reports of recipients and sub-recipients.
- C. The CoC has prepared the application for funds per 24 CFR §578.9, including designation of the eligible applicant to be the collaborative applicant.

10.2.3 Recipient Organizational Recordkeeping Requirements

The CoC, its lead agency, and its sub-recipients will establish and maintain standard operating procedures for ensuring that the Continuum of Care (CoC) Program Grant and Emergency Solutions Grant (ESG) funds are used in accordance with the requirements of the

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COC Program Interim Rule and will establish and maintain sufficient records to enable HUD to determine whether the CoC and its sub-recipients are meeting the requirements, such as those related to conflicts of interest, involvement of homeless persons, faith-based activities, affirmatively furthering fair housing, and other federal regulations. Sub-recipients must furnish copies of individual program policies and procedures, including addressing how they will ensure the confidentiality of their records, to the CoC lead agency.

All records pertaining to CoC Program Grant funds must be retained for the greater of five (5) years or the period required by audit, HUD monitoring, or other administrative regulation. Copies made by microfilming, photocopying, or similar methods may be substituted for the original records.

- A. Documentation of each program participant's qualification as a family or individual at risk of homelessness or as a homeless family or individual and other program participant records must be maintained for, at minimum, five (5) years from the expenditure of all funds from the grant under which the program participant was served.
- B. Where Continuum of Care funds are used for the acquisition, new construction, or rehabilitation of a project site, records must be retained until fifteen (15) years after the date that the project site is first occupied, or used, by program participants.

10.3 Conflicts of Interest

With respect to the use of Federal funds to procure services, equipment, supplies, or other property, all agencies will comply with Conflict of Interest regulations, as detailed in 2 CFR §200.112. The terms of specific sub-recipient agency contracts will detail Conflict of Interest prohibitions.

10.3.1 *Individual Conflict of Interest*

No person who is an employee, agent, consultant, officer, or elected or appointed official of the CoC lead agency, the CoC General Assembly, or the CoC Board of Directors and who exercises any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.

10.3.2 *Exceptions*

Upon written request of the CoC, HUD may grant an exception to the restrictions listed above on a case-by-case basis when it determines that the exception will serve to further the purposes of the CoC program and promote the efficient use of Federal funds. In requesting an exception, the CoC and the agency will be required to provide the following:

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- A. A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made.
- B. An opinion of the CoC legal counsel that the interest for which the exception is sought would not violate state or local law.

10.3.3 Procurement Conflict of Interest

- A. No employee, officer, or agent shall participate in the selection, award, or administration of a contract if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. The officers, employees, and agents of the CoC and the CoC lead agency shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to sub-agreements except for where the financial interest is not substantial or the gift is an unsolicited item of nominal value. Members of the CoC's Board of Directors shall comply with all relevant fiduciary duties, including those governing conflicts of interest, when they vote upon matters related to procurement contract in which they have a direct or indirect financial or personal interest. Officers, employees, directors, and agents of the CoC or CoC lead agency shall be subject to disciplinary actions for violations of these standards.
- B. Organizational conflicts of interest exist when a relationship exists between the CoC and other entities (including parent company, affiliate, or subsidiary) in which the CoC is unable to or appears to be unable to be impartial in conducting a procurement action involving the related entity. Procurement is not permitted when there is an actual or apparent organizational conflict of interest.

10.4 Procurement

The purpose of these standards is to establish procedures for the CoC and CoC lead agency for the procurement of supplies and other expendable property, equipment, real property, and other services. In addition, it is the intent of these policies to ensure that the CoC complies with the general procurement standards and requirements set forth in 2 CFR §200 through 2 CFR §326, *inter alia*, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, as amended.

10.4.1 Competition

All procurement transactions shall be conducted in a manner to provide, to the maximum extent practicable, open and free competition. The CoC shall be alert to organizational conflicts of interest as well as noncompetitive practices among contractors that may restrict

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or eliminate competition or otherwise restrain trade. In order to ensure objectives contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitation for bids and/or requests for proposals shall be excluded from competing for such procurements. Awards shall be made to the bidder or offeror whose bid or offer is responsive to the solicitation and is most advantageous to the CoC, in consideration of price, quality, and other factors. Solicitations shall clearly set forth all requirements that the bidder or offeror shall fulfill in order for the bid or offer to be evaluated by the CoC. Any and all bids or offers may be rejected when it is in the CoC's interest to do so. In all procurement, the CoC shall avoid practices that are restrictive of competition. These include but are not limited to:

- Placing unreasonable requirements on firms in order for them to qualify to do business
- Requiring unnecessary experience and excessive bonding
- Noncompetitive pricing practices between forms or between affiliated companies
- Noncompetitive awards to consultants that are on retainer contracts
- Organizational conflicts of interest
- Specifying only a brand name product instead of allowing an equal product to be offered and describing the performance of other relevant requirements of the procurement
- Any arbitrary action in the procurement process

The CoC will ensure that all prequalified lists or persons, firms, or products to be used in acquiring goods and services are current and include enough qualified sources to ensure open and free competition.

10.4.2 *Methods of Procurement*

The CoC must use one of the approved procurement methods below. There are major categories of procurement; some require competitive solicitation and some require cost analysis (less than \$150,000) while all require applicable provisions of Appendix II of 2 CFR §200.

- A. Procurement by micro-purchase procedures – Purchase of services or supplies, the aggregate of which is less than the micro-purchase threshold, does not require competitive solicitation as long as the price is deemed to be reasonable. The CoC will align its aggregate price threshold with Section 253 of the Texas Local Government Code, which is \$3,000. To the greatest extent practicable, the CoC will distribute micro-purchases equitably among qualified suppliers.
- B. Procurement by small purchase procedures (\$3,000-149,999) – Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the “Simplified Acquisition Threshold” fixed at 41 U.S.C. 403(11), currently set at \$150,000, and where procurement by sealed bid is not required. If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources

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(minimum of three) to ensure that the selection process is competitive in accordance with these policies. A memorandum will be prepared setting forth the date, whether written or verbal quotes were obtained, parties contacted, and prices. The lowest, responsive, qualified bidder will be chosen.

Approval thresholds will be set forth as listed below:

- Purchases less than \$25,000 require approval by the CoC lead agency Chief Executive Officer (CEO) or designee, as noted by signature of invoice or documentation of bid
 - Purchases between \$25,000-\$49,999 require approval by the Executive Committee of the CoC. Authorization must be signified by written signature of the CoC Treasurer, or designee, and the CoC lead agency CEO, or designee
 - Purchases between \$50,000 and \$149,999 require approval by the CoC Board. Authorization is indicated through designation in CoC Board minutes and signature by CoC Board Chair
- C. Procurement by Sealed Bid (Purchases \$150,000 or greater) – Bidding will be employed when the detailed specifications for goods and services to be procured can be defined and the primary determinant is costs. Formal/legal advertising is required. Bids are publicly solicited, and a form-fixed-price contract (lump sum of unit price) is awarded to the lowest, responsive, responsible bidder whose bid conforms to all the material terms and conditions of the invitation for bids. A Requisition for Proposals (RFP) will be prepared and published at least one in the newspaper of record with general circulation in the service area, which is the Dallas Morning News. The ad will run for a minimum of seven (7) calendar days. Additionally, bids may be solicited from responsible suppliers by sending such suppliers copies of the RFP. A memorandum including information related to bid/RFP response tally and evaluation against estimated prices, and including a copy of the legal advertisement, will be filed with the selected vendor's file.
- I. If sealed bids are used, the following requirements apply:
- The invitation for bids will be publicly advertised, and bids shall be solicited from an adequate (minimum three) number of known suppliers, providing them sufficient time prior to the date set for opening of the bids
 - The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond
 - All bids will be publicly opened at the time and place prescribed in the invitation for bids
 - A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only

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- be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of
- Any or all bids may be rejected if there is a sound, documented reason
- II. Regardless of cost, sealed bids will generally be used for construction-related projects. The sealed bid method is the required for procuring construction if the following conditions are present:
- A complete, adequate, and realistic specification or purchase description is available
 - Two or more responsible bidders are willing and able to compete effectively and for the business
 - The procurement lends itself to a firm fixed price contract, and the selection of the successful bidder can be made principally on the basis of price
- D. Procurement by competitive proposals (Greater than \$150,000) – the technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids or small purchase procedures. If this method is used, the following requirements apply:
- I. Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized request for proposals shall be honored to the maximum extent practicable
 - II. Proposals will be solicited from the adequate number of qualified sources
 - III. The CoC shall evaluate responses to its solicitations and select awardees in accordance the procedures outlined in section below (“Procurement Procedures”)
 - IV. Awards will be made to the responsible firm whose proposal is most advantageous to the CoC with price and other factors of consideration
 - V. The CoC may use the competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors’ qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation, A procurement process in which price is not to be used as stated selection factor can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services, although A/E firms may be potential sources to perform such other services
- E. Procurement by noncompetitive proposals – procurement through solicitation of a proposal from only one source, subject to 2 CFR §200.320(f). In this case, a memorandum will be prepared and approved by the lead agency CEO stipulating that a competitive bid is not feasible. The memorandum must be placed in the selected vendor file.

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- I. Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids, or competitive proposals and one of the following circumstances applies:
 - The item is available only from a single source
 - The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation. Such determination of public exigency or emergency shall be made by the CoC Board Chair, or designee, and shall be subject to the following:
 - Documentation of a public exigency or emergency situation that occurred within fourteen (14) days of request
 - Documentation of a direct threat to public health or safety which would be exasperated or caused by requiring adherence to non-emergency procurement requirements
 - Documentation that such expenditure is required to mitigate, ameliorate, or prevent such threat to public health or safety
 - The funder (i.e. HUD or other Federal awarding agency) authorizes noncompetitive proposals in response to a written request from the CoC lead agency
 - In cases where, after solicitation of a number of sources, competition is determined inadequate. If an initial solicitation does not bring forth an adequate number of qualified and/or reasonable responses, the solicitation may be reviewed and revised. The revised bid may then be placed for consideration a second time. If, after the second bidding process, there are not sufficient proposals, the award may be considered noncompetitive and is then subject to the requirements and processes listed above.
- II. Cost analysis, including verification of the proposed cost data, the projection of the data, and the evaluation of the specific elements of costs and profits, is required
- III. When using a noncompetitive proposal using public funding, the CoC normally would be expected to submit the proposed procurement to the relevant funding source for approval. If the funding organization does not respond to the CoC regarding the noncompetitive procurement within 45 days, it is assumed that the funding organization has approved the measure

10.4.3 Procurement Procedures

All procurement by the CoC shall comply, at a minimum, with the requirements of the sections below:

- A. The CoC must avoid purchasing unnecessary items
- B. Where appropriate, an analysis is made of lease and purchase alternative to determine which would be the most economical and practical procurement
- C. Solicitations for goods and services provide for all of the following:

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- I. A clear and accurate description of all technical requirements for the material, product, or service to be procured. In competitive procurements, such a description shall not contain features that unduly restrict competition. The description may include minimum qualitative standards (“brand name or equivalent”) may be used when technical descriptions are impractical or uneconomical
- II. Requirements which must be fulfilled and all other factors to be used in the evaluation of the proposal submitted in response to solicitations
- III. A description, wherever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards
- IV. When relevant, the specific features of “brand name or equivalent” descriptions that are to be included in responses submitted to solicitation
- V. The acceptance, to the extent practicable and economically feasible, of products and services that conserve natural resources and protect the environment and are energy efficient
- VI. Time and materials type contracts will only be used after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at their own risk

Positive efforts shall be made by the CoC to utilize small businesses, minority-owned businesses, and women’s business enterprises, whenever possible, The CoC shall take all of the following steps to further this goal:

- A. Ensure that small businesses, minority-owned firms, and women’s business enterprises are used to the fullest extent practicable;
- B. Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women’s business enterprises;
- C. Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women’s business enterprises;
- D. Encourage, when practical, contracting with consortiums of small businesses, minority-owned firms, and women’s business enterprises when a contract is too large for one of these firms to handle individually;
- E. Use the services and assistance, as appropriate and practical, of such organizations as the Small Business Administration and the Department of Commerce’s Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms, and women’s business enterprises; and

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- F. Prior to solicitation, ensure that all prequalified lists of persons, firms, or products used in the foods or services is current and include enough qualified sources to ensure maximum open and free competition.

The type of procuring instruments used shall be determined by the CoC but shall be appropriate for the particular procurement and for promoting the best interest of the program or project involved. Time and materials contracts will be used only when the contractor includes a ceiling price that the contractor exceeds at its own risk. In the case of time and materials contracts, the CoC lead agency will assert a high degree of oversight in order to obtain reasonable assurance that the contractor is being efficient and effective in controlling costs. The “cost plus a percentage of cost” or “percentage of construction cost” methods of contracting shall not be used.

Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

No contract shall be made, by the CoC, its lead agency, or any of its sub-recipients, to parties listed on the General Services Administration’s (SAMS) List of Parties Excluded from Federal Procurement or Non-Procurement Programs in accordance with E.O.’s 12549 and 12689, “Debarment and Suspension”. This prohibition includes both contractors and subcontractors. A time stamped screenshot of the SAMS website result shall be placed in the successful vendor’s file. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.

10.4.4 Cost and Price Analysis

Some form of cost or price analysis shall be made and documented in the procurement files in connection with every procurement action above the “Simplified Acquisition Threshold” amount (currently \$150,000). Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts. Cost analysis is the review and evaluation of each element of cost is reasonable, allocable, and allowable.

The method and degree of analysis will depend upon the particular situation. At a minimum, the CoC lead agency must make independent estimates before receiving bids or proposals.

The CoC lead agency must negotiate profit as a separate element in no price competition contracts and when costs analysis is performed. Items to consider include: complexity, contractor risk, and contractor investment, past performance, and industry profit rates. Items included in solicitation packets shall include such items, as practical, as pro formas, line item project budgets, markup, labor costs, and other relevant pricing considerations.

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Cost estimates must comply with 2 CFR 200, Subpart E – Cost Principles, sections 200.400-475. Cost plus a percentage of costs and percentage of construction cost methods of contracting must not be used.

10.4.5 *Contract Administration*

The CoC lead agency is responsible for effective administration of contracts entered into on behalf of the CoC and in the administration of the CoC lead agency's organization, including settlement of issues arising from the contract (e.g. source evaluation, disputes, protests, or claims). A system for contract administration shall be maintained to ensure contractor conformance with the terms, conditions, and specifications of the contract and to ensure adequate and timely follow up of all purchases. The CoC lead agency shall evaluate contractor performance and document, as appropriate, whether contractors have met the terms, conditions, and specifications of the contract.

10.4.6 *Bonding*

Bonding may be required for construction or facility improvement contracts that exceed the Simplified Acquisition Threshold.

10.4.7 *Contract Provisions*

The CoC shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts. The following provisions shall also be applied to subcontracts.

- A. Contracts in excess of the Simplified Acquisition Threshold shall contain contractual provisions or conditions that allow for administrative, contractual, or legal remedies in instances of breaches of contract terms, and provide for such remedial actions as may be appropriate.
- B. All contracts in excess of \$10,000 shall contain suitable provisions for termination for the CoC, including the manner by which termination shall be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.
- C. For contracts dealing with construction or facility improvements, the CoC shall comply with will requirements imposed by its funding sources, and the regulations applicable to those funding sources, with regard to construction bid guarantees, performance bonds, and payment bonds.
- D. All negotiated contracts, except for those for less than the Simplified Acquisition Threshold, awarded by the CoC shall include a provision to the effect that the CoC shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts, and transcriptions.

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- E. All contracts, including small purchases, awarded by the CoC and their contractors shall contain the following procurement provisions as applicable:
- I. Equal Employment Opportunity – Except as otherwise provided under 41 CFR Part 6-, all contracts that meet the definition of “federal assisted construction contract” in 41 CFR Part 60 1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319,12935,3 CFR Part 1964-1965 Comp., p. 339), as amended by Executive Order 11374, “Amending Executive Order 11246 Relating to Equal Employment Opportunity”, and implementing regulations at 41 CFR Part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor”
 - II. Copeland “Anti-Kickback” Act (18 U.S.C. 874 and 40 U.S.C. 276c) – All contracts in excess of \$2,000 for construction or repair, when funded in whole or part by monies derived from the Federal government, either directly or indirectly, shall include a provision for compliance with the Copeland “Anti-Kickback” Act (18 U.S.C.874), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or sub-recipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled, The recipient shall report all suspected or reported violations to the Federal awarding agency
 - III. Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation (CoC Program grant and ESG-funded projects are not subject to Davis Bacon requirements), all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act as supplemented by the Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency
 - IV. Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708) – Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must

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- include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate or pay for all hours work in excess of 40 hours in he work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence
- V. Rights to Inventions Made Under a Contract or Agreement – Contracts or agreements for the performance of experimental, developmental, or research work, when funded in whole or part by monies derived from the Federal government, either directly or indirectly, shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR Part 401 “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements”, and any implementing regulations issued by the awarding agency
- VI. Clean Air Act 942 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) as amended – Contracts and subgrants of amounts in excess of \$150,000, when funded in whole or part by monies derived from the Federal government, either directly or indirectly, shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA)
- VII. Debarment and Suspension (Executive Orders 12549 and 12689) – A contract award must not be made to parties listed on the government-wide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p 189) and 12689 (3 CFR Part 1989 Comp., p.235), “Debarment and Suspension”. The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549
- VIII. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) – Contracts for an amount above \$100,000, when funded in whole or part by monies derived from the Federal government, either directly or indirectly, shall include a certification by the contracting parties that they have not and will not use Federal

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- appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. 1352, and to further require disclosure of any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award
- IX. Mandatory standards and policies relating to energy efficiency that are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. 6201)
 - X. Any other administrative requirements, as applicable, detailed within this section

10.5 Fair Housing, Equal Opportunity, and Non-Discrimination

The CoC, CoC Program Grant, the Coordinated Assessment System, and ESG recipients and sub-recipients shall affirmatively market housing and supportive services to eligible persons regardless of race, color, national origin, religion, sex, age, familial status, handicap or who are least likely to apply in the absence of special outreach.

10.5.1 *Racial Equity in CoC Board of Directors, CoC Committee Leadership and membership*

The CoC Board of Directors, in recognizing the overrepresentation of persons of color among persons experiencing homelessness, will be deliberate in assuring that the CoC Board of Directors, its Officers, Committee Chair Members, and Assembly membership are equitably represented by persons of color.

10.5.2 *Equal Access to Housing and Equal Access in Accordance with Gender Identity*

In accordance with the HUD Equal Access in Accordance with Gender Identity Final Rule and the Equal Access to Housing Final Rule, all HUD Community Planning and Development funded programs, including CoC Program Grant, ESG, and Housing Opportunities for Persons with AIDS (HOPWA) funded programs, will be eligible to individuals and families regardless of sexual orientation, gender identity, or marital status. CoC Program Grant, ESG and HOPWA recipients and sub-recipients, as well as owners, operators, and managers of shelters, and other buildings and facilities and providers of services funded in whole or in part by any HUD Community Planning and Development program shall grant equal access to such facilities, and other buildings and facilities, benefits, accommodations and services to individuals in accordance with the individual's gender identity, and in a manner that affords equal access to the individual's family.

The CoC ensures equal access to individuals in accordance with their gender identity in programs and shelter funded under programs administered by HUD's Office of Community Planning and Development (CPD) including CoC Program Grant, ESG, and HOPWA programs.

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10.5.3 Equal Opportunity - ESG Program Assistance

ESG recipients and sub-recipients shall adhere to the equal opportunity and affirmative outreach requirements contained at 24 CFR 576.407 (a) and (b):

- A. General: The requirements in 24 CFR part 5, subpart A are applicable, including the nondiscrimination and equal opportunity requirements at 24 CFR 5.105(a) and the housing counseling requirements at 24 CFR 5.111. Section 3 of the Housing and Urban Development Act of 1968, 12 U.S.C. 1701u, and implementing regulations at 24 CFR part 135 apply, except that homeless individuals have priority over other Section 3 residents in accordance with § 576.405(c).
- B. Affirmative outreach: The recipient or sub-recipient must make known that use of the facilities, assistance, and services are available to all on a nondiscriminatory basis. If it is unlikely that the procedures that the recipient or sub-recipient intends to use to make known the availability of the facilities, assistance, and services will reach persons of any particular race, color, religion, sex, age, national origin, familial status, or disability who may qualify for those facilities and services, the recipient or sub-recipient must establish additional procedures that ensure that those persons are made aware of the facilities, assistance, and services. The recipient and its sub-recipients must take appropriate steps to ensure effective communication with persons with disabilities including, but not limited to, adopting procedures that will make available to interested persons information concerning the location of assistance, services, and facilities that are accessible to persons with disabilities. Consistent with Title VI and Executive Order 13166, recipients and sub recipients are also required to take reasonable steps to ensure meaningful access to programs and activities for limited English proficiency (LEP) persons.

10.5.4 Nondiscrimination and Equal Opportunity Requirements

The nondiscrimination and equal opportunity requirements set forth in 24 CFR 5.105(a) are applicable.

- A. Recipients and sub recipients may exclusively serve a particular homeless subpopulation in transitional or permanent housing if the housing addresses a need identified by the Continuum of Care for the geographic area and meets one of the following:
 - The housing may be limited to one sex where such housing consists of a single structure with shared bedrooms or bathing facilities such that the considerations of personal privacy and the physical limitations of the configuration of the housing make it appropriate for the housing to be limited to one sex
 - The housing may be limited to a specific subpopulation, so long as admission does not discriminate against any protected class under federal nondiscrimination laws in 24 CFR 5.105 (e.g., the housing may be limited to

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homeless veterans, victims of domestic violence and their children, or chronically homeless persons and families)

- The housing may be limited to families with children
 - If the housing has in residence at least one family with a child under the age of 18, the housing may exclude registered sex offenders and persons with a criminal record that includes a violent crime from the project so long as the child resides in the housing
 - Sober housing may exclude persons who refuse to sign an occupancy agreement or lease that prohibits program participants from possessing, using, or being under the influence of illegal substances and/or alcohol on the premises
 - If the housing is assisted with funds under a federal program that is limited by federal statute or Executive Order to a specific subpopulation, the housing may be limited to that subpopulation (e.g., housing also assisted with funding from the Housing Opportunities for Persons with AIDS program under 24 CFR part 574 may be limited to persons with acquired immunodeficiency syndrome or related diseases)
 - Recipients may limit admission to or provide a preference for the housing to subpopulations of homeless persons and families who need the specialized supportive services that are provided in the housing (e.g., substance abuse addiction treatment, domestic violence services, or a high intensity package designed to meet the needs of hard-to-reach homeless persons). While the housing may offer services for a particular type of disability, no otherwise eligible individuals with disabilities or families including an individual with a disability, who may benefit from the services provided may be excluded on the grounds that they do not have a particular disability
- B. Affirmatively Furthering Fair Housing: A recipient must implement its programs in a manner that affirmatively furthers fair housing, which means that the recipient must affirmatively market their housing and supportive services to eligible persons regardless of race, color, national origin, religion, sex, age, familial status, or handicap who are least likely to apply in the absence of special outreach, and maintain records of those marketing activities.

Where a recipient encounters a condition or action that impedes fair housing choice for current or prospective program participants, a recipient or sub-recipient under these programs will provide such information to the jurisdiction that provided the certification of consistency with the Consolidated Plan; and provide program participants with information on rights and remedies available under applicable federal, State and local fair housing and civil rights laws.

- C. Accessibility and Integrative Housing and Services for Persons with Disabilities: Recipients and sub recipients must comply with the accessibility requirements of the Fair Housing Act (24 CFR part 100), Section 504 of the Rehabilitation Act of 1973 (24 CFR part 8), and Titles II and III of the Americans with Disabilities Act, as applicable

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(28 CFR parts 35 and 36). In accordance with the requirements of 24 CFR 8.4(d), recipients must ensure that their program's housing and supportive services are provided in the most integrated setting appropriate to the needs of persons with disabilities.

- D. Prohibition Against Involuntary Family Separation: The age and gender of a child under age 18 must not be used as a basis for denying any family's admission to a project that receives funds under this part.

10.5.5 Nondiscrimination in the Coordinated Assessment System

The CoC lead agency, in its role as collaborative applicant will require CoC Program Grant and ESG Program funded projects to present their agencies policies and procedures detailing compliance with the nondiscrimination and equal opportunity provisions during application for funding or during annual monitoring and evaluation.

- A. Marketing: The CoC will market the Coordinated Access System (CAS) on the CoC lead agency website and present public disclosure notices at access points that indicate that the process is available to all eligible persons regardless of race, color, national origin, religion, sex, age, familial status, disability, actual or perceived sexual orientation, gender identity, or marital status. The CoC lead agency shall maintain a supply of HUD fair housing, equal access, and other informational posters for distribution to all homeless service providers.

CAS information shall be accessible through all homeless response system agencies entry points, hyperlinks on internet resources, email, text, phone, and 2-1-1 throughout the CoC's geographic area and shall be accessible to all persons including people experiencing chronic homelessness, veterans, families with children, youth, and survivors of domestic violence.

The CAS Access points will take reasonable steps to ensure the process can be accessed by persons with Limited English Proficiency (LEP). Resources such as the MDHA Flexible Assistance Funds can be accessed to provide interpreter services.

Persons accessing the CAS requiring assistance in communication shall be provided assistance through appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed, e.g., Braille, audio, large type, assistive listening devices, and sign language interpreters. Resources such as the MDHA Flexible Assistance Funds can be accessed to provide special communication needs where needed. All physical access points including emergency shelters will be accessible physical locations for individuals who use wheelchairs, as well as people in the CoC who are least likely to access homeless assistance.

- B. Nondiscrimination: The CoC shall operate the CAS that permits recipients of Federal and State funds to comply with applicable civil rights and fair housing laws and

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requirements. Recipients and sub-recipients of CoC Program Grant and ESG Program-funded projects must comply with the nondiscrimination and equal opportunity provisions of Federal civil rights laws, including the following:

- Fair Housing Act prohibits discriminatory housing practices based on race, color, religion, sex, national origin, disability, or familial status
- Section 504 of the Rehabilitation Act prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance
- Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin under any program or activity receiving Federal financial assistance
- Title II of the Americans with Disabilities Act prohibits public entities, which includes State and local governments, and special purpose districts, from discriminating against individuals with disabilities in all their services, programs, and activities, which include housing, and housing related services such as housing search and referral assistance
- Title III of the Americans with Disabilities Act prohibits private entities that own, lease, and operate places of public accommodation, which include shelters, social service establishments, and other public accommodations providing housing, from discriminating on the basis of disability

10.5.6 Filing a Nondiscrimination Complaint

All CoC Program Grant and ESG Funded program recipients and sub-recipients must inform participants of how to file a discrimination complaint. The CoC lead agency will maintain a stock of posters and notices providing complaint information that can be clearly displayed at provider locations and brochures for download and printing to be distributed to program participants upon enrollment.

10.6 Environmental Review

CoC Program Grant and ESG activities are subject to environmental review requirements under 24 CFR part 50. Environmental review of specific activities performed by CoC-funded agencies shall be conducted by the applicable Responsible Entity. In most cases, the Responsible Entity is determined by HUD to be the municipal government in which the proposed activity is to take place. The CoC will work with agencies and sub-grantees to determine the correct and applicable Responsible Entity and to ensure compliance with Environmental Review requirements. HUD may eliminate from consideration any application that would require an Environmental Impact Statement (EIS).

10.6.1 Applicable Review

The CoC or one of its sub-recipient agencies, may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project, or commit or expend HUD or local funds for eligible activities, until, as applicable, HUD has performed an environmental review under 24 CF part 50 and the Responsible Entity has received HUD approval of the property.

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However, all administrative and management expenses, tenant based rental assistance, and programming in the CoC program are either Exempt or Categorically Excluded from environmental review under the National Environmental Policy Act of 1969, depending on program and location. Environmental review documentation is coordinated by the Responsible Entity following its Environmental Review Policies and Procedures, separate from this document.

10.7 Displacement, Relocation, and Acquisition

This section applies to CoC-funded or ESG projects, not the CoC itself.

10.7.1 *Minimizing Displacement*

Consistent with the other goals of the Continuum of Care program, CoC and its sub-recipient agencies will ensure that all reasonable steps have been taken to minimize the displacement of persons (families, individuals, businesses, non-profits, etc.) as a result of a project assisted under the CoC Program Grant or ESG grants.

10.7.2 *Temporary Relocation*

No tenant/occupant of housing that is converted into a homeless shelter may be required to move temporarily for a project assisted with CoC Program Grant or ESG funds, or be required to move to another unit in the same building or complex. When a tenant moves for a project assisted with Federal funds under conditions that trigger the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the tenant should be treated as permanently displaced and offered relocation assistance and payments consistent with the rules of the acts listed above.

10.7.3 *Relocation for Displaced Persons*

In general, a displaced person must be provided relocation assistance at the levels described in the related regulations. A displaced person must be advised of his/her rights under the Fair Housing Act. Whenever possible, minority persons will be given reasonable opportunities to relocate to comparable and suitable decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means. This policy does not, however, require providing a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling. Replacement dwellings must also contain the accessibility features needed by displaced persons with disabilities.

A displaced person is defined as a person who moves from real property, or moves personal property from real property permanently, as a result of acquisition, rehabilitation, or demolition for a project assisted under the CoC's programs. This includes any permanent, involuntary move for an assisted project, including any permanent move from the real property that is made:

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- A. After the owner (or person in control of the site) issues a notice to move permanently from the property or refuses to renew an expiring lease, if the move occurs on or after:
 - i. The date of the submission by the CoC, or sub-recipient agency, of an application for assistance to HUD (or the to the CoC from a sub-recipient agency, as applicable) that is later approved and funded if the CoC, or sub-recipient agency, has site control as evidenced by a deed, sales contract, or option contract to acquire the property; or
 - ii. The date on which the CoC (or sub-recipient agency, if applicable) selects the applicable site, if the CoC (or sub-recipient agency, if applicable) does not have site control at the time of the application, provided that the CoC (or sub-recipient agency, if applicable) eventually obtains control over the site
- B. Before the date described above if HUD determines that the displacement resulted directly from acquisition, rehabilitation, or demolition for the project.
- C. By a tenant/occupant of a dwelling unit and the tenant moves after execution of the agreement covering the acquisition, rehabilitation, or demolition of the property for the project.

A person does not qualify as displaced if:

- A. The person has been evicted for cause based upon a serious or repeated violation of applicable Federal, State, or local law, or other good cause; and the CoC or sub-recipient determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation service.
- B. The person moved into the property after the submission of the application but, before signing a lease and commencing occupancy, was provided written notice of the project, its possible impact on the person, and the fact that the person would not qualify as a “displaced person” (or for any assistance under this section) as a result of the project.
- C. The person is ineligible under HUD regulations.
- D. HUD determines that the person was not displaced as a direct result of acquisition, rehabilitation, or demolition for the project.

10.7.4 Appeals

A person who disagrees with a sub-recipient’s determination concerning whether a person qualifies as a displaced person, or the amount of relocation assistance for which the person may be eligible, may file a written appeal of that determination with the CoC lead agency. A low income person who disagrees with the CoC lead agency’s determination may submit a

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written request for review of that determination by the Ft. Worth Office of Community Planning and Development.

10.8 Lead Based Paint Requirements

Each agency under the CoC must follow the requirements of the Lead Based Paint Poisoning Prevention Act for all households assisted through the CoC, where applicable. Lead Based Paint requirements are set forth through federal regulations. Applicability of these requirements is associated with the project's funding source, not membership within the CoC. A lead based paint visual assessment is required any time a child under the age of six or a pregnant woman will be living in an assisted unit and the unit was constructed prior to 1978. If applicable, the lead based paint inspection will be conducted prior to the assistance being provided. In addition, all units provided assistance will have a lead based paint and smoke detector certification completed by the client and placed in the client file. The CoC's lead agency will be responsible for ensuring sub-recipient adherence to these requirements.

10.8.2 Lead Based Paint Remediation and Disclosure

The Lead-Based Paint Poisoning Prevention Act (42 USC 4821-4846), the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 USC 4851-4856), and implementing regulations in 24 CFR Part 35, Subparts A,B, H, J, K, M, and R apply to all shelters assisted under CoC Program Grant or ESG and all housing occupied by program participants that were built before 1978.

10.8.3 Compliance with Subpart K

The purpose of Subpart K is to establish procedures to eliminate as far as practicable lead-based paint hazards in a residential property that receives Federal assistance under certain HUD programs for acquisition, leasing, support services, or operation. The CoC lead agency will ensure that sub-recipients comply and show evidence of compliance with all applicable subparts of 24 CFR 35, and especially, Subpart K. Sub-recipient agencies will be required to conduct the following activities for the dwelling unit, common areas servicing the dwelling unit, and the exterior surfaces of the building in which the dwelling unit is located:

- A. A visual assessment of all painted surfaces in order to identify deteriorated paint;
- B. Paint stabilization of each deteriorated paint surface, and clearance, in accordance with 24 CFR §35.1330(a) and (b), before occupancy of a vacant dwelling unit or, where a units occupied, immediately after receipt of Federal assistance;
- C. Ongoing lead-based paint maintenance activities into regular building operations, in accordance with 24 CFR §35.1330(a), if the dwelling unit has a continuing, active financial relationship with a Federal housing assistance program, except that mortgage insurance or loan guarantees are not considered to constitute an active programmatic relationship for the purposes of this part; and

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- D. Notice to occupants in accordance with CFR §35.1330(b)(1) and (c), describing the results of the clearance examination.

10.8.4 Notification of Lead-Based Paint Hazard

The CoC lead agency will ensure that participating sub-recipients provide to all occupants of housing, as applicable:

- A. In accordance with 24 CFR 35.130 – the Lead-Based Paint Hazard information pamphlet. This pamphlet shall be the EPA/HUD/Consumer Product Safety Commission lead hazard information pamphlet or an EPA-approved equivalent.
- B. In accordance with 24 CFR 35, Subpart A, all available information and knowledge regarding the presence of Lead-Based Paint and Lead-Based Paint hazards, results of any lead hazard evaluation, and any lead hazard reduction work.

10.9 Hatch Act

The CoC agrees that no funds provided, nor personnel employed under the CoC Program Grant or ESG grant, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V United States Code.

10.10 Lobbying and Disclosure Requirements

The disclosure requirements and prohibitions of Section 319 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 USC 1352) and implementing regulations at 2 CFR §200.450 apply to the CoC. The CoC and applicant sub-recipient agencies must disclose, using Standard Form LLL (SF-LLL), “Disclosure of Lobbying Activities”, any funds, other than federally appropriated funds, that will be or have been used to influence Federal employees, members of Congress, or congressional staff regarding specific grants or contracts.

10.11 Drug-Free Workplace Requirements

The Drug-Free Workplace Act of 1988 (41 USC 701, et seq.) and HUD’s implementing regulations at 24 CFR Part 21 apply to CoC-funded projects and projects conducted with ESG funds within the geographic scope of the CoC.

10.12 Procurement of Recovered Materials

The CoC, its non-federal partners, and any person contracting with the CoC with respect to work performed under an assisted contract, will comply with the requirements of section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, In accordance with section 6002, these agencies and persons must procure items designated in guidelines of the

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Environmental Protection Agency at 40 CFR Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired in the preceding fiscal year exceeded \$10,000; must procure solid waste management services in a manner that maximizes energy and resource recovery; and must have established an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

10.13 Debarred or Suspended Agencies, Contractors, or Subcontractors

The prohibitions at 24 CFR Part 24 on the use of debarred, suspended, or ineligible agencies or contractors shall apply to the CoC lead agency, its contractors, its sub-recipient agencies, and its subcontractors. Each funded agency under the CoC programs must submit a Suspension/Debarment Certification to the CoC lead agency and undergo a Suspension/Debarment Verification.

10.14 Equipment and Property Management

The following is a summary of the provisions of 2 CFR §200, Subpart D

10.14.1 General

The purchase, procurement, and maintenance of any equipment and supplies under a CoC sub-recipient agency contract, or by the CoC Lead Agency, will be in accordance with applicable Federal laws, regulations, and rules affecting the purchase of such items with HUD grant funds, including but not limited to 2 CFR 200.

The term “equipment” means all tangible, non-expendable, personal property (including but limited to all property having a manufacturer’s serial number), with an acquisition cost per unit of more than \$5,000, and a useful life of more than one year. The term “supplies” refers to all tangible personal property other than equipment as defined herein.

10.14.2 Supplies

Subject to the obligations and conditions set forth, title to any supplies purchased by an agency agency utilizing CoC Program Grant funding shall belong to the grant recipient. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate fair market value upon termination or completion of the lead agency’s contract with the CoC, and if the supplies are not needed for any other federally sponsored programs or projects by the agency, the CoC Lead Agency will compensate the CoC for its share.

10.14.3 Equipment

The CoC Lead Agency, for purchases made for programs not conducted through sub-recipient agencies, will follow the rules of 2 CFR §200.313.

Unless initially listed and approved in a sub-recipient contract, prior written approval from the CoC General Assembly and CoC Board of Directors is required for any purchase or

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disposition of equipment having an acquisition costs exceeding \$5,000. To obtain approval, the lead agency must submit a detailed justification that includes a description of features, make, and model, costs, and any other information requested by the General Assembly or Board of Directors. Subject to the obligations and conditions set forth in the lead agency's contract, title to any equipment purchased through CoC funding will vest upon acquisition in the CoC.

The CoC lead agency must use the equipment in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds, and shall not encumber the property without approval of the CoC General Assembly and Board of Directors. When no longer needed for the original project or program, the agency may use the equipment in its other federally-sponsored activities, first for activities sponsored by HUD, and then for activities sponsored by other federal awarding agencies, subject to approval by the CoC.

When acquiring replacement equipment, a sub-recipient agency may use the equipment to be replaced as trade-in or sell the equipment and use the proceeds to offset the costs of the replacement equipment, subject to approval by the CoC.

10.14.4 Property Records

Property records will be maintained accurately for all equipment and for all supplies that are not consumable (i.e. that would be equipment but for the dollar limit), and shall include the following information:

- A description of the item
- Manufacturer's serial number, model number, federal stock number, national stock number, or other identification number
- Source of the item, including the award number, and who holds title
- Cost and acquisition date (or date received if the item was furnished by the Federal government)
- Information from which one can calculate the percentage of Federal participation in the cost of the item (not applicable to items furnished by the Federal government)
- Location, use, and condition of the item
- Ultimate disposition data, including date of disposal and sales prices or the method used to determine the current fair market value

All such property items should include "Property of TX 600" decal. Upon acquisition of property, the decal should be displayed on the item, and the property should be added to the inventory listing referenced above.

10.14.5 Management of Property

An inventory of equipment and supplies that are not consumable purchased by the CoC lead agency with HUD funds will be conducted annually. The inventory should include the information listed above. Upon request, and during a monitoring session, the lead agency should make available to the Board of Directors a copy of the updated inventory, which will include the current condition of the property and disposition of any property.

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A program of maintenance, repair, and protection of assets will be maintained so as to ensure their full availability and usefulness, and all equipment purchased through CoC, if applicable, is adequately insured to cover any loss, destruction, or damage to the equipment. If the lead agency is indemnified, reimbursed, or otherwise compensated for the loss of, destruction of, or damage to equipment provided through CoC, the lead agency will use the proceeds to repair or replace the equipment. If the CoC is indemnified, reimbursed, or otherwise compensated for the loss of, destruction of, or damage to equipment provided through CoC funds, the payment should be considered program income and should be dealt with accordingly.

A physical inventory of equipment should be taken and the results reconciled with the equipment records generally once every two years.

If property purchased by the lead agency through CoC funding is sold, proper sales procedures should be followed to ensure the highest possible return. If sale of the property is not feasible, the property may be written off in a manner consistent with regulations and procedures. Sale of CoC-purchased equipment by the lead agency must be approved by the CoC General Assembly and Board of Directors.

10.14.6 Disposition of Property

When the original or replacement equipment acquired under CoC funding is no longer needed for the original project or program or for other activities supported by a Federal awarding agency, disposition of the equipment will be made as follows:

- A. An item of equipment with a current per unit fair market value of less than \$5,000 may be retained, sold, or otherwise disposed of.
- B. An item of equipment with a current per unit fair market value of more than \$5,000 may be retained or sold. If the item is being sold by a sub-recipient agency, the sub-recipient agency must pay the CoC an amount calculated by multiplying the current market value or proceeds from the sale by the CoC's share of the equipment. Alternatively, the CoC may, at the CoC's option and to the extent allowed by law, transfer title of such property to the CoC sub-recipient.

10.14.7 Action

In cases where the lead agency fails to take appropriate disposition actions, the CoC General Assembly or Board of Directors may direct the lead agency to repay the CoC.

10.15 Section 3 Requirements

Section 3 of the Housing and Urban Development Act of 1968 requires that employment and other economic opportunities generated by HUD financial assistance, such as CoC Program Grant or ESG funding, shall to the greatest extent feasible, and consistent with existing federal, state, and local

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laws and regulations, be directed to low and very low income persons, particularly those who are recipients of government assistance for housing, and to businesses which are located in or owned in substantial part by persons residing in the area of the project.

Section 3 compliance must be adhered to by any public, private, or non-profit agency that is a recipient of over \$200,000.00 in HUD funding for certain construction-related projects. Additionally, these recipient's contractors and subcontractors who receive contracts or subcontracts of \$100,000.00 or more must also comply with Section 3.

The following are types of Section 3 covered assistance projects:

- Housing rehabilitation
- Abatement of lead based paint hazards (excluding routine maintenance, repair, and replacement)
- Housing construction
- Other public construction, including, but not limited to, public facilities and infrastructure projects

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Appendix A

Definitions

Action Plan

An entitlement community's annual update to the Consolidated Plan. The Action Plan describes resources available, how those resources will be used in the applicable year, including funded projects and agencies, and the geographic distribution of those resources. Action Plan budgets and priorities, with regard to ESG, are developed in consultation with the CoC.

Affordable Housing

In general, housing for which the occupant(s) is/are paying no more than 30 percent of his or her income for gross housing costs, including utilities. Please note that some jurisdictions may define affordable housing based on other, locally determined criteria, and that this definition is intended solely as an approximate guideline or general rule of thumb.

Agency

A non-profit that delivers services to low and moderate income clients within the CoC.

Allocation

An amount or portion of CoC grant funds assigned to a particular agency in a specific funding year.

Applicant

An organization that has applied for funding under the CoC Grant and has not yet been determined to be awarded funds. This term can also be applied to a person requesting assistance through a CoC ESG, or permanent supportive housing program.

Area Median Family Income

A midpoint in the family income range for a metropolitan statistical area or for the non-metro parts of a state, as defined by the US Department of Housing and Urban Development. The figure is used as a basis to stratify incomes into low, moderate, and upper ranges.

At Risk of Homelessness

Individuals that meet the requirements set forth in categories 2 and 3 of the HEARTH Act. This includes persons at imminent risk of homelessness and those at risk of homelessness. This includes individuals or families who will imminently lose their primary nighttime residence, provided that the residence will be lost within 14 days of the date of application for homeless assistance, no subsequent residence has been identified, and the individual or family lacks the resources or support networks needed to obtain other permanent housing.

Case Manager

A service provider-professional who participates in a collaborative process of assessment, planning, facilitation, care coordination, evaluation, and advocacy for options and services to meet an individual's and/or family's comprehensive health and housing needs through communication and available resources to promote quality, cost-effective outcomes.

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Chronically Homeless Individual

A homeless individual with a disability who lives either in a place not meant for human habitation, a safe haven, or in an emergency shelter, or in an institutional care facility if the individual has been living in the facility for fewer than 90 days and had been living in a place not meant for human habitation, a safe haven, or in an emergency shelter immediately before entering the institutional care facility. In order to meet the “chronically homeless” definition, the individual also must have been living as described above continuously for at least 12 months, or on at least four separate occasions in the last 3 years, where the combined occasions total a length of time of at least 12 months. Each period separating the occasions must include at least 7 nights of living in a situation other than a place not meant for human habitation, in an emergency shelter, or in a safe haven.

Client

The head of the household who is being assisted through CoC-funded agencies, pursuant to the requirements of that agency’s programs. For purposes of this document, this term is synonymous with “program participant”.

Code of Federal Regulations (CFR)

The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government. It is divided into 50 titles that represent broad areas subject to federal regulation. Each volume of the CFR is updated once each calendar year and is issued on a quarterly basis.

Collaborative Applicant

The Collaborative Applicant is the eligible applicant designated by the Continuum of Care (CoC) to collect and submit the CoC Registration, CoC Consolidated Application (which includes the CoC Application and CoC Priority Listing), and apply for CoC planning funds on behalf of the CoC during the CoC Program Competition. The CoC may assign additional responsibilities to the Collaborative Applicant so long as these responsibilities are documented in the CoC’s governance charter.

Community Planning and Development (CPD)

The division of HUD that oversees entitlement grant funds and CoC Grant funds. The regional CPD office is in Ft. Worth.

Compliance

Meeting the requirements of the CoC-funded programs, Federal requirements, and the stipulations set forth in the CoC Policies and Procedures.

Consolidated Plan

HUD requires all entitlement grantees to submit long-range strategic plans which describes the housing and community development needs for a five-year period. Annual Action Plans demonstrate how each year contributes to the accomplishment of the goals and targets set forth in the Consolidated Plan.

Continuum of Care (CoC)

A community plan that organizes and delivers housing and services to meet the specific needs of people who are homeless as they move to stable housing and maximum self-sufficiency. It includes action steps to

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end homelessness, prevent a return to homelessness, and to address other community poverty-related issues.

Continuum of Care Grant Program (CoC)

The Continuum of Care Grant Program (CoC) is designed to promote communitywide commitment to the goal of ending homelessness; provide funding for efforts by nonprofit providers, and State and local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness; promote access to and effect utilization of mainstream programs by homeless individuals and families; and optimize self-sufficiency among individuals and families experiencing homelessness.

Coordinated Access System (CAS)

A system that institutes consistent and uniform assessment and referral processes to determine and secure the most appropriate response to each individual or family's immediate and long-term housing needs. The Coordinated Access System is designed to: allow anyone who needs assistance to know where to go to get that assistance, to be assessed in a standard and consistent way, and to connect with the housing/services that best meet their needs; ensure clarity, transparency, consistency and accountability for homeless clients, referral sources and homeless service providers throughout the assessment and referral process; facilitate exits from homelessness to stable housing in the most rapid manner possible given available resources; ensure that clients gain access as efficiently and effectively as possible to the type of intervention most appropriate to their immediate and long-term housing needs; and ensure that people who have been homeless the longest and/or are the most vulnerable have priority access to scarce permanent supportive housing resources.

Disabled

A physical, mental, or emotional impairment, including impairment caused by alcohol or drug abuse, post-traumatic stress disorder, or brain injury that is expected to be long-continuing or of indefinite duration, substantially impedes the individual's ability to live independently, and could be improved by the provision of more suitable housing conditions.

Diversion

The act of allowing individuals to self-sustain and reducing the need for the individual to enter into or engage with the homeless response system

Domestic Violence

Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

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Documentation of Priority Status (DOPS)

The determination of prioritization for homeless services in Dallas and Collin Counties and listing of such, as maintained by Metro Dallas Homeless Alliance. Participants in the Coordinated Access System submit persons for prioritization (as reflected on the DOPS) and agree to assist homeless clients who are on the DOPS.

Eligible Activity

A program proposed by an applicant that meets one of the objectives of the ESG or CoC grant and the requirements under the Notice of Funding Availability. An eligible activity is not automatically awarded funding.

Eligible Person

An applicant who has been determined to be eligible for services under ESG or CoC Grant programs, pursuant to the requirements listed in this document and the requirements of an entitlement entity's or a sub-recipient agency's specific program.

Eligible Organization

An applicant agency that meets the nonprofit designation, is in good standing with MDHA, and that is providing programming that is considered to meet "eligible activity" requirements. An applicant may be considered eligible without receiving funding. Funding allocations are determined through the application process and are subject to funding limitations and priorities.

Emergency Shelter

Any facility, the primary purpose of which is to provide temporary or transitional housing for persons and families experiencing homelessness, in general, or for specific populations of the homeless.

Emergency Solutions Grant (ESG)

Annual grant provided to entitlement entities and from HUD on a formula basis or from the Texas Department of Housing and Community Affairs (TDHCA) on a competitive basis. The ESG program provides funding to engage homeless individuals and families living on the street; improve the number and quality of emergency shelters for homeless individuals and families; help operate these shelters; provide essential services to shelter residents, rapidly re-house homeless individuals and families, and prevent families/individuals from becoming homeless.

Ending Homelessness

Homelessness rarely happens, when it does happen it is brief, and that it never happens to that person again.

Entitlement Community

Entitlement communities are comprised of central cities of Metropolitan Statistical Areas (MSAs); metropolitan cities with populations of at least 50,000; and qualified urban counties with a population of 200,000 or more (excluding the populations of entitlement cities). States distribute CPD funds to non-entitlement localities not qualified as entitlement communities. HUD determines the amount of each grant by using a formula comprised of several measures of community need, including the extent of poverty,

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population, housing overcrowding, age of housing, and population growth lag in relationship to other metropolitan areas.

Eviction

The dispossession of the tenant from the leased unit as a result of the termination of tenancy, including a violation of the lease agreement.

Fair Housing Act

The 1968 act (amended in 1974 and 1988) providing the HUD Secretary with fair housing enforcement and investigation responsibilities. A law that prohibits discrimination in all facets of the provision of housing on the basis of race, color, national origin, religion, sex, familial status, or disability.

Fair Market Rent

As defined by HUD, a method to determine a reasonable amount for monthly client rent. FMR is expressed as a percentile point within the rent distribution of standard-quality rental housing units. The current definition used is the 40th percentile rent, the dollar amount below which 40 percent of the standard-quality rental housing units are rented. These figures vary throughout the country based on a number of determining factors, such as local economic conditions and housing demand.

Fair Market Value

The amount of money that would probably be paid for a property in a sale between a willing seller, who does not have to sell, and a willing buyer, who does not have to buy

Family Members

All persons, in addition to the program participant, assisted within a particular housing unit.

Federal Register

Published by the Office of the Federal Register, National Archives and Records Administration (NARA), the Federal Register is the official daily publication for rules, proposed rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

Gender Identity

A person's perception of having a particular gender, which may or may not correspond with their birth sex.

Grantee

A direct recipient of CoC or ESG funds from the U.S. Department of Housing and Urban Development

HEARTH Act

Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009. The HEARTH Act amends and reauthorizes the McKinney-Vento Homeless Assistance Act with substantial changes, including a new definition of homelessness

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HMIS

Homeless Management Information System database utilized for cross-jurisdictional coordination of client care, as administered by MDHA. The system is used to record and track client-level information on the characteristics and service needs of homeless persons.

HMIS Data Standards

Data standards established by HUD for the HMIS system

Homeless

An individual who lacks a fixed, regular, and adequate nighttime residence; as well an individual who has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations, an institution that provides a temporary residence for individuals intended to be institutionalized; or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. A person or family that meets the requirements set forth in categories 1 and 4 of the HEARTH Act

Homeless Prevention

Activities or programs designed to prevent the incidence of homelessness, including, but not limited to: (1) short-term subsidies to defray rent and utility arrearages for families that have received eviction or utility termination notices; (2) security deposits or first month's rent to permit a homeless family to move into its own apartment; (3) mediation programs for landlord-tenant disputes; (4) legal services programs that enable representation of indigent tenants in eviction proceedings; (5) payments to prevent foreclosure on a home; and (6) other innovative programs and activities designed to prevent the incidence of homelessness. Those services provided to persons At Risk of Homelessness, pursuant to program specifications.

Homeless Response System

A community response system whereby the entire system is oriented towards housing as the solution for homelessness, and this approach permeates every component of the system. There is a sense of urgency in getting everyone, and first and foremost those who are high on the Housing Priority List, into housing, as soon as possible, with as few barriers as possible. In the meantime, individuals, who need it, are offered temporary shelter, with the constant ever-present expectation that they be moved into housing as soon as possible.

Household

All persons occupying the same housing unit, regardless of their relationship to each other. The occupants could consist of a single family, two or more families living together, or any group of related or unrelated persons who share living arrangements.

Household Gross Income

Income for all members of the household, the calculation of which as defined by HUD. CoC agencies are required to utilize the Part V method of income calculation.

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Housing First

An approach to quickly and successfully connect individuals and families experiencing homelessness to permanent housing without preconditions and barriers to entry, such as sobriety, treatment or service participation requirements

HUD

The U.S. Department of Housing and Urban Development

HUD Notice or HUD CPD Notice

Notice of Allocations, Application Procedures, and Requirements for ESG and CoC grantees and sub-recipients

Lease

A written agreement between an owner and a family for the leasing of a decent, safe, and sanitary dwelling unit to the household

Lease Term

The period of time for which a lease agreement is written.

Limited English Proficiency (LEP)

Term used in the United States that refers to a person who is not fluent in the English language, often because it is not his/her native language. Title VI of the Civil Rights Act of 1964 requires recipients of Federal financial assistance to take reasonable steps to make their programs, services, and activities by eligible persons with limited English proficiency.

Low and Moderate Income Person

A member of a family having an income equal to or less than the Section 8 Housing Assistance Payments Program low income limits established by HUD applicable to the size of the person's family. An individual living in a housing unit that contains no other person(s) is considered to be a one-person family for this purpose. Adult children who continue to live at home with their parent(s) are considered to be part of the family for this purpose and their income must be counted in determining the total family income. A dependent child who is living outside of the home is considered for these purposes to be part of the family upon which he/she is dependent, even though he/she is living in another housing unit.

Low and Moderate Income Household

A household in which the total income of all of the household members is equal to or less than the Section 8 Housing Assistance Payments Program low income limit established by HUD for an equivalent sized family.

MDHA Flex Fund

Funds to provide assistance for documented client needs, beyond housing and supportive services including access to critical documents, security deposits, transportation, medical costs, job related expenses, basic furniture and household items, hotel stays while waiting for housing, rental arrears, rental assistance, storage, and utilities assistance, and various other needs not covered through existing federal, state, and local government grants, that fund programs for the homeless.

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Metro Dallas Homeless Alliance (MDHA)

A nonprofit organization charged with eliminating homelessness in the greater Dallas area. MDHA serves as the administrator/lead agency/collaborative applicant for the TX-600 Dallas City & County/Irving Continuum of Care (CoC).

Metropolitan Statistical Area (MSA)

An area with at least one urbanized area of 50,000 or more population, plus adjacent territory that has a high degree of social and economic integration with the core, as measured by commuting ties

Monitoring

Review of an agency's operations, compliance with federal regulations and CoC contract stipulations, financial management, and performance to stated goals. Monitoring may be done at the MDHA offices or at the agency's office. MDHA and its sub-recipient agencies are also subject to review and monitoring by HUD.

Non-Profit

A tax-exempt organization, in good standing with the State of Texas, with an active Board of Directors and IRS Section 501(c)(3) certification.

Notice of Funding Availability

The mechanism through which HUD requests applications for CoC-funded new and renewal projects and programs. This mechanism is also used for TDHCA ESG funds. A Notice of Funding Availability is advertised annually.

Office of Management and Budget (OMB)

Assists the President in overseeing the preparation of the federal budget and supervises its administration in Executive Branch agencies. In helping to formulate the President's spending plans, OMB evaluates the effectiveness of agency programs, policies, and procedures, assesses competing funding demands among agencies, and sets funding priorities. OMB ensures that agency reports, rules, testimony, and proposed legislation are consistent with the President's Budget and with Administration policies. In addition, OMB oversees and coordinates the Administration's procurement, financial management, information, and regulatory policies. In each of these areas, OMB's role is to help improve administrative management, to develop better performance measures and coordinating mechanisms, and to reduce any unnecessary burdens on the public.

Owner

Any private person or entity, including a cooperative, an agency of the federal government, or a public housing agency, having the legal right to lease or sublease dwelling units.

Performance Review and Allocations Committee (PRAC)

Committee elected by the CoC Board of Directors to review, rant, and make funding recommendations for the CoC Program Grant.

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Permanent Supportive Housing

A model that combines low-barrier affordable housing, health care, and supportive services to help individuals and families lead more stable lives. PSH typically targets people who are homeless or otherwise unstably housed, experience multiple barriers to housing, and are unable to maintain housing stability without supportive services. This model has been shown to not only impact housing status, but also result in cost savings to various public service systems, including health care. This page includes resources that address clinical challenges, financial options, and implementation strategies related to PSH.

Program Participant

An eligible person, or head of an eligible household, who has been admitted into a program funded through ESG or CoC and is receiving, or will receive, services under a CoC-funded agency's programs. For purposes of this document, this term is synonymous with "client".

Protected Classes

Demographic categories of persons established by civil rights statutes against whom discrimination is prohibited.

Public Facility

A facility owned by a State or local government including A) any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility; B) any non-Federal-aid street, road, or highway; C) Any other public building, structure, or system, including those used for educational, recreational, or cultural purposes; or D) any park. Examples of public facilities include neighborhood facilities, firehouses, public schools, libraries, and recreation centers. Facilities that are designed for use in providing shelter for persons having special needs are considered to be public facilities, not permanent housing. Shelter facilities could include nursing homes, convalescent homes, hospitals, shelters for victims of domestic violence, shelters and transitional housing facilities/housing for the homeless, halfway houses, group homes, and shelters for disaster victims.

Public Hearing

Community Input meeting hosted MDHA, an entitlement community, or a subrecipient agency to receive public comment on the actions of the CoC and the proposed allocation of funds to agencies.

Public Housing Agency (PHA)

Any state, county, municipality, or other governmental entity or public body, or agency or instrumentality of these entities that is authorized to engage or assist in the development or operation of low-income housing under the U.S. Housing Act of 1937.

Rapid Re-Housing

An intervention, informed by a Housing First approach that is a critical part of a community's effective homeless crisis response system. Rapid re-housing rapidly connects families and individuals experiencing homelessness to permanent housing through a tailored package of assistance that may include the use of time-limited financial assistance and targeted supportive services. Rapid rehousing programs help families and individuals living on the streets or in emergency shelters solve the practical and immediate challenges to obtaining permanent housing while reducing the amount of time they experience homelessness,

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avoiding a near-term return to homelessness, and linking to community resources that enable them to achieve housing stability in the long-term. Rapid Re-housing is an intervention designed to help individuals and families to quickly exit homelessness, return to housing in the community. And not become homeless again. In the near term, the core components of a rapid re-housing program are housing identification, move-in and rent assistance, and rapid re-housing case management and services. These core components represent the maximum that a program must be providing to households to be considered a rapid re-housing program, but do not provide guidance for what constitutes an effective rapid re-housing program.

Rental Assistance

Payment of monthly rent, or a portion of monthly rent, by an entitlement community or a sub-recipient agency on behalf of a program participant for an ESG or CoC-assisted unit.

Severely Disabled

Meeting the Bureau of Census' definition, which includes a person who has used a wheelchair or had used another special aid for six months or longer; is unable to perform one or more functional activities (seeing, hearing, having one's speech understood, lifting and carrying, walking up a flight of stairs, and walking) or need assistance with an activity of daily living (getting around inside the home, getting in or out of bed or a chair, bathing, dressing, eating, and toileting) or instrumental activity of daily living (going outside the home, keeping track of money or bills, preparing meals, doing light housework, and using the telephone); is prevented from working at a job or doing housework; or has a selected condition including autism, cerebral palsy, Alzheimer's disease, senility, dementia, or mental retardation. Also, persons who are under 65 years of age and who are covered by Medicare or who receive SSI are considered to have a severe disability.

Standards of Care

Determined by the standard that would be exercised by the reasonably prudent provider of services, or the reasonably prudent professional in that line of work including treatment guideline, and can be general or specific. It specifies appropriate treatment based on scientific evidence and collaboration between professionals involved in the treatment of clients.

Sub-recipient

Any contractor providing programming or services under TX-600 Dallas City & County, Irving Continuum of Care (CoC) funding.

Supportive Services

Services that address the special needs of the program participants such as case management, transportation, medical assistance, childcare, etc.

Texas Department of Housing and Community Affairs (TDHCA)

Texas agency that assists local governments in providing essential public services for their residents; overcoming financial, social, and environmental problems; providing for the housing needs of individuals and families of low, very low, and extremely low income and families of moderate income; contributing to the preservation, development, and redevelopment of neighborhoods and communities.

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Transitional Housing

A project that has as its purpose facilitating the movement of homeless individuals and families to permanent housing within a reasonable amount of time (usually 24 months). Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental or physical disabilities and homeless families with children.

TX-600 Dallas City & County, Irving Continuum of Care (CoC)

The Continuum of Care, as identified by the U.S. Department of Housing and Urban Development (HUD), which encompasses Dallas and Collin Counties and includes municipal and county governments, school districts, nonprofit and faith-based service providers, mental and physical health organizations, Veteran's Affairs, State organizations, and other stakeholders in the provision of homeless assistance.

U.S. Department of Housing and Urban Development (HUD)

Established in 1965, HUD's mission is to increase homeownership, support community development, and increase access to affordable housing free from discrimination. To fulfill this mission, HUD will embrace high standards of ethics, management and accountability and forge new partnerships — particularly with faith-based and community organizations — that leverage resources and improve HUD's ability to be effective on the community level.

VI-SPDAT

An assessment tool used to identify members of the homeless population who are considered medically vulnerable and who will face an increased risk of mortality if homelessness persists.

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Appendix B

Continuum of Care Requirements

Below is a list of obligations placed upon the Continuum of Care, as iterated under these policies and procedures. This is not an exhaustive list, and all parties of the CoC are encouraged to closely review the Policies and Procedures in totality to ensure compliance with requirements. In most cases, the Continuum of Care (CoC) lead agency will facilitate these processes and provide staff support. This list does not include the operational requirements of the CoC lead agency, Federal regulatory compliance, or sub-recipient agency programmatic requirements.

- Board of Directors
 - Select HMIS Administrator every five (5) years
 - Review policies and procedures annually
 - Call for CoC Board nominations annually
 - Select CEO and perform annual review of CoC lead agency CEO
 - Approve annual CoC budget
 - Approve CoC General Assembly membership and HMIS fees annually
 - Update process for Board nomination process every five years
 - Review and adopt PRAC-recommended policies and funding allocations annually
 - Select collaborative applicant every five years

- CoC General Assembly
 - Review collaborative applicant and report to Board of Directors annually
 - Review DOPS Matrix annually
 - Review General Assembly membership and HMIS fees annually
 - Hold at least six meetings annually
 - Select Chair and Vice Chair for two-year terms

- CoC Lead Agency
 - Renew General Assembly membership each December
 - Conduct a needs and gaps survey annually
 - Conduct at least four (4) roundtable training sessions per year. At least one training will offer SSI/SSDI Outreach or technical assistance
 - Develop and implement the annual CoC Strategic Work Plan
 - Facilitate at least two meetings annually with ESG recipients and review ESG recipient performance reports
 - Update the Strategic Work Plan progress quarterly
 - Publish dashboard quarterly with HUD System Performance Measurement System (SysPM)
 - Publish the PRAC recommended Project Priority List in advance of the CoC Board of Directors meeting for adoption
 - Perform CAS training annually
 - Conduct RFP process for determination of Access Points and develop MOUs for all Access Points annually
 - Maintain a service director and inventory of homeless prevention programs within the CoC
 - Maintain centralized Housing Priority List and update at least twice per month

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- Provide DOPS reviews within three (3) to five (5) business days
- Collaborative Applicant
 - Review occupancy rates monthly
 - Provide at least one (1) annual training and technical assistance to CoC program grant and TDHCA ESG project applicants
 - Annually develop a comprehensive CoC Program Grant Competition Timeline
 - Perform desk review of programs every six (6) months
 - Perform site monitoring of each funded organization at least every two years
 - Conduct risk analysis to determine recipients of site monitoring visits annually
- HMIS Committee:
 - Conduct HMIS User Satisfaction Survey annually
 - Review plans and Policies & Procedures annually
 - Review at least every three years: HMIS Administrator MOU, Security and Privacy Plans, Data Quality Plan, and the HMIS User Manual
- HMIS Administrator
 - Count persons experiencing homeless annually
 - Provide monthly new user and refresher training

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Appendix C

Bylaws

BYLAWS

METRO DALLAS HOMELESS ALLIANCE

Dallas, Texas

FINAL

Amended and Restated Effective: March 18, 2016

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BYLAWS METRO DALLAS HOMELESS ALLIANCE

ARTICLE I PURPOSES

Section 1. Name. The name of this Corporation is Metro Dallas Homeless Alliance. (Hereinafter the “MDHA” or “Corporation”).

Section 2. Purposes. Purposes: the purposes of the Corporation are those charitable legal objectives necessary to engage a broad spectrum of resources to end homelessness in Dallas and Collin Counties through collaborative planning of public policy, public and private financing strategies, housing and services planning and oversight, and implementation of the HUD-MDHA Continuum of Care.

Section 3. Mission. The Mission of MDHA is to build an effective homeless response system to make homelessness rare, brief, and non-recurring in Dallas and Collin Counties.

Section 4. Principal Office. The principal office of the Corporation shall be located in the City of Dallas, County of Dallas, and State of Texas. The Corporation may have offices at such other places as the Board of Directors may from time to time appoint or the purposes of the Corporation may require.

Section 5. Registered Office and Registered Agent. The Corporation shall continuously maintain in the state of Texas a registered office, and a registered agent whose office is identical with such a registered office, as required by the Texas Business Organizations Code. The address of the registered office and the registered agent may be changed from time to time by the Board of Directors.

ARTICLE II CONTINUUM OF CARE BOARD

Section 1. Continuum of Care. The corporation shall serve as the Continuum of Care Board of Directors, the local planning body represented by relevant organizations within the geographic area of Dallas and Collin County, TX-600, and shall act on behalf of the Continuum of Care as set forth in the Homeless Emergency Assistance and Rapid Transition to Housing Act (24 CFR 578).

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ARTICLE III DIRECTORS

Section 1. General Powers. The affairs of the Corporation shall be under the management of the Board of Directors, which may exercise all such powers of the Corporation and do all such lawful acts and things as are permitted by statute or by the Certificate of Formation or these Bylaws.

Section 2. Powers and Duties. The management and control of the affairs, activities and property of the Corporation, shall be delegated to a Board of Directors. The Board of Directors shall establish and enforce broad policies governing the operation of the Corporation and may exercise all such powers of the Corporation and do all acts and things that are not prohibited by statute or expressly limited by the Certificate of Formation or by these Bylaws. The Board of Directors shall have sole authority to hire or fire the President/Chief Executive Officer.

Section 3. Board of Directors Number and Term. The Board of Directors shall consist of no less than fifteen (15) and no more than thirty-one (31) persons. In addition, nonvoting “ex officio” members may be designated by the Chair. Board members shall each serve a term of three (3) years or until his or her death, resignation or removal. Board members’ terms will be divided into three roughly equal groups by the Executive Committee, so that approximately one- third (1/3) of board member terms expire each year. No Director shall serve more than two (2) consecutive full terms, unless the Board of Directors grants an exception based upon a Director’s past commitment to or an existing need of the Corporation. Unless an exception is granted by the Board of Directors, no Director who has served two (2) consecutive full terms is eligible for reappointment to the Board of Directors until he or she has not been a Director for one (1) full year. All terms of directors shall be as specified at their election.

Section 4. Qualification. All directors shall be individuals interested in and supportive of eliminating homelessness in the Community through a community-wide partnership. Candidates for directorship must demonstrate a willingness to participate in public awareness, collaboration and support the Purpose and Mission of MDHA and fulfill the roles and responsibilities of the Continuum of Care. No director of the Corporation shall receive any compensation for any service performed in such capacity on behalf of the Corporation; provided, however, that a director, or any person or entity with whom such director is affiliated, may receive compensation for services performed on behalf of the Corporation in a capacity other than as a director, if the Board of Directors is advised of all material details relating to such arrangement and compensation and a majority of the disinterested members of the Board of Directors approve such arrangement and compensation.

Section 5. Election of Individuals to the Board of Directors. Individuals shall be elected to serve on the Board of Directors by majority vote of the Board of Directors at any regular or special meeting. All nominations for the Board of Directors will be reviewed and approved for consideration by the Board of Directors or rejected by the Nominating and Governance Committee. The Board of Directors shall endeavor to elect individuals so that the Board of Directors would consist of individuals made up of a diverse and representative cross-section of the community, including race, ethnicity, gender, sexual orientation and public and private sector employment backgrounds, from

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two broad categories as follows:

A.) Public Sector: Individuals representing local city and county government and its agencies as well as public agency entities within the geographic area of the Continuum of Care. On occasion a particular government or public agency may have more than one Director on the Board of Directors. Public Sector Director Entities may include, but are not limited to:

- i. City of Dallas
- ii. Dallas County
- iii. Collin County
- iv. Municipalities within Dallas and Collin County
- v. Public Housing Authorities
- vi. Mental Health Care System
- vii. Health Care System
- viii. Public School Districts
- ix. US VA North Texas Health System
- x. State Health and Human Services Organizations

B.) Private Sector: Individuals representing the diversity of the community including expertise related to solutions to homelessness including housing, supportive services, public policy, healthcare, housing and services financing and public education. The local business community, philanthropy organizations and nonprofit housing and services providers to all homeless populations will be included. Membership shall include at least one current or formerly homeless person.

The remaining positions on the Board of Directors shall be appointed from a cross- section of the community. The Board of Directors shall not be deemed powerless to act in the event there are any vacancies on the Board from any designated area.

Section 6. Vacancies in Any Director Positions. If any Board of Director position becomes vacant prior to the expiration of its term, the Board of Directors shall have the authority to fill any such vacancy to the same extent as the Board elects new members to the Board of Directors.

Section 7. Meetings. The Board of Directors shall meet at such times and places as it may direct, but regular meetings shall be held not less than once each calendar quarter. The first meeting of the Board following the last quarter of the calendar year shall be the Annual Meeting of the Board. Special meetings may be called by the Chairperson of the Board of Directors, or

by any five (5) Directors, by giving ten (10) days' notice in writing. The purpose or purposes of any special meeting will be stated in the notice of such meeting.

Section 8. Notices. Notice of any meeting of the Board of Directors shall be given at least seven (7) days prior thereto by telephone, by written notice delivered personally, or sent by mail, electronic mail or telegram to each member of the Board of Directors at his or her address as shown by the records of the Corporation. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope so addressed, with postage thereon prepaid. If notice is given electronically, such notice shall be deemed to be delivered upon successful transmission of such electronic communication. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except when a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board needs to be specified in the notice or waiver of notice of such meeting, unless specifically required by law or by these Bylaws.

Section 9. Quorum. One third (1/3) of the elected Directors in office shall constitute a quorum for the transaction of business at any meeting of the Board of Directors.

Section 10. Manner of Acting. The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by these Bylaws.

Section 11. Compensation. Directors shall not be compensated for their services to the Corporation, except as provided in Article III, Section 4. However, a Director may be reimbursed for normal travel and other reasonable, out-of-pocket expenses required for the fulfillment of obligations as a Director.

Section 12. Removal. A member of the Board of Directors may be removed by a vote of a majority of the Board of Directors in office.

Section 13. Proxy Voting. No member of the Board of Directors may delegate to another person his or her vote.

Section 14. Resignation. Any Director may resign at any time upon giving written notice to the Chairperson of the Board of Directors of the Corporation.

Section 15. Conflicts of Interest. It is the responsibility of each member of the Board of Directors to make full disclosure to the Board of Directors concerning any actual or potential conflicts of interest in any matter that is the subject of business before the Board of Directors. No member of the Board of Directors may vote on any matter in which he or she has any actual or potential conflict of interest; provided however, members of the Board of Directors or committee members with a conflict or potential conflict may be counted in determining the presence of a quorum at a meeting of the Board of Directors or of a Committee which authorizes such contract or transaction. Board members shall disclose in writing to the Board of Directors any persons to whom they are closely related or organizations with which they are affiliated who or which presently transact business with the Corporation or might reasonably be expected to do so in the future. Each disclosure shall be updated and resubmitted on a yearly basis. An affiliation with an organization shall be considered to exist if a member of the Board of Directors, or a member of his or her immediate family or close relative, is an officer, director, trustee, partner, employee or agent of the organization, or has any substantial interest or dealing with the other organization. Closely related persons shall include, in

addition to spouses, children, siblings and blood relatives. No contract or transaction between the Corporation and any of its Directors, Officers, or Board committee member, or between the Corporation and any other corporation, partnership, association or other organization in which any Director, Officer, or Board committee member of the Corporation is a director, officer, or trustee or has a financial interest, shall be void or voidable solely for this reason, or solely because such Director, Officer, or Board committee member is present at or participates in the meeting of the Board of Directors or committee thereof which authorizes such contract or transaction, or solely because the vote of such Director, Officer, or Board committee member is counted for such purposes, if:

- a) the material facts as to the relationship or interest of such Director, Officer or Board committee member, and as to such contract or transaction are disclosed to or are known by the Board of Directors or such committee, and the Board of Directors or such committee in good faith and with ordinary care authorizes such contract or transaction by the affirmative vote of a majority of the disinterested Directors, even though the disinterested Directors be less than a quorum; or
- b) such contract or transaction is fair as to the Corporation as of the time it is authorized, approved or ratified by the Board of Directors or such committee.

ARTICLE IV COMMITTEES OF THE BOARD OF DIRECTORS

Section 1. Committees. The Board of Directors may, by resolution, establish such committees as it may deem appropriate to carry out the business of the Corporation. The authority of any such committee, work group or taskforce shall be specified in the resolution establishing it. Such committees shall consist of a Chairperson, and other members, none of whom need be members of the Board of Directors, except where otherwise directed at the time of the creation of any such committee. Each committee shall keep regular minutes of its proceedings and maintain operating procedures. All committees shall report to the Board of Directors when required. The following Board standing-committees shall be created at a minimum:

- a) Executive Committee
- b) Governance and Nominating Committee
- c) HMIS Committee
- d) Performance Review and Allocations Committee
- e) Public Policy Committee

The Board shall elect the members of the standing committees, with the exception of the Executive Committee. The Chairperson of the Board of Directors shall appoint the chairpersons of the standing committees, and other individuals to serve on such committees, as well as designate a chairperson for each committee.

Section 2. Executive Committee. The Executive Committee shall be composed of the following:

- a) Board Chairperson
- b) Board Vice-Chairperson, who shall be the Chairperson of the Continuum of Care Assembly
- c) Treasurer
- d) Secretary
- e) three additional at large Board Members appointed by the Board Chairperson

The Executive Committee is charged with the responsibilities of appointment, annual performance review and setting compensation of the President/Chief Executive Officer of the Corporation, review and approval of the Corporation annual budget, and the annual audit and IRS filings. During the intervals between meetings of the Board of Directors, the Executive Committee shall possess and may exercise all of the powers of the Board of Directors, provided, however, that except as expressly authorized by the Board, the Executive Committee shall have no power to amend these Bylaws, make non-routine disposals of corporate assets, dissolve or merge the Corporation, except as may be expressly directed by the Board. The Board may expressly authorize, in advance, the Executive Committee to take any action on behalf of and in the name of the Board; otherwise, all actions of the Executive Committee shall be submitted for ratification by the Board. The Executive Committee shall establish its own rules of procedure, but at any meeting of the Executive Committee, one-half (1/2) of the total membership of the Committee shall constitute a quorum for the transaction of business. The affirmative vote of a majority of those present shall be necessary for adoption of any resolution or the taking of any other action by the Committee. The Executive Committee shall keep regular minutes of its proceedings and report the same to the Board of Directors when required at the next Meeting of the Board. Time, place and notice of the Executive Committee Meeting shall be determined by the Executive Committee.

Section 3. Governance and Nominating Committee. The Committee is charged with the responsibility of nominating Board members, officers and committee members. The Committee will review and recommend updates for the selection process of the Board at least every five years.

Section 4. HMIS (Homeless Management Information System) Governance Committee. The Committee shall recommend to the board a single HMIS for the geographic area of the Continuum of Care and the designated eligible applicant to administer the HMIS. The Committee shall ensure the HMIS administrator operates in compliance with HUD requirements.

Section 5. Performance Review and Allocations Committee. The Committee shall make recommendations to the Board for the establishment and annual review of CoC Policies and Procedures. The Committee shall follow the Continuum of Care Policies and Procedures as they relate to funding opportunities requiring Continuum of Care Board award decisions.

Section 6. Public Policy Committee. The Public Policy Committee shall develop and guide the Corporation's public policy agenda and advise the staff on increasing the understanding and political will of government entities and opinion leaders in effectively addressing issues of homelessness. The Public Policy Committee will bring key policy and government relations decisions to the Board for review and support or adjustment as needed.

Section 1. The Continuum of Care General Membership shall collectively be represented by the CoC Assembly. Assembly membership shall be defined and organized per the CoC Assembly Charter. The CoC Assembly Chairperson shall serve as the Vice-Chairperson of the Corporation. The Vice-Chairperson of the CoC Assembly shall be a board member. The CoC Assembly may submit to the Executive Committee an annual review of the Collaborative Applicant and may submit to the HMIS Governance Committee an annual review of the HMIS Administrator. The CoC Assembly shall advise the Board on Continuum of Care Policies and Procedures.

ARTICLE VI OFFICERS OF THE CORPORATION

Section 1. Officers. Officers of the Board of Directors shall be elected by the Board of Directors at the Annual Meeting, and shall consist of a Chairperson, Vice-Chairperson, Secretary, and Treasurer. Each Officer shall be chosen from among the members of the Board and shall serve until the Annual Meeting of the Board of Directors next following his or her election for appointment, or until his or her successor is appointed and qualified, or until his or her death, resignation or removal from office. The elected chair of the Continuum of Care Assembly shall serve as the Vice-Chairperson of unless otherwise provided herein, the Board of Directors. Any Officer may be removed by the Board of Directors and the Board, shall fill all vacancies occurring in any office. No person shall hold more than one executive office at the Corporation.

Section 2. Chairperson. Subject to the other provisions of these Bylaws, The Chairperson of the Board shall preside at all meetings of the Board of Directors and of the Executive Committee and shall have, subject to Article VI Section 7 hereof, general authority to execute bonds, deeds and contracts in the name of the Corporation. He or she shall have such additional powers and duties as may be prescribed from time to time by the Board of Directors.

Section 3. Vice-Chairperson. In the absence or disability of the Chair, the Vice Chair shall perform the duties and exercise the powers of the Chair. Moreover, he or she shall perform such other duties and have such authority and powers as the Board of Directors may from time to time prescribe or as the Chair may from time to time delegate.

Section 4. Secretary. The Secretary shall:

- a) Ensure that all notices are duly given in accordance with the Texas Business Organizations Code and these Bylaws.
- b) Keep, or cause to be kept, in books provided for the purpose, minutes of the meetings of the Board and each Committee.
- c) Ensure that the books, reports, statements, and all other documents and records over which the Secretary has custody or control, are properly kept and filed.
- d) Sign such instruments as require the signature of the Secretary.
- e) In general, perform all the duties incident to the office of the Secretary and other duties assigned by the Board Chairperson.

Section 6. Treasurer. The Treasurer shall have oversight responsibility for the financial affairs of the Corporation, including input on the selection and appointment of the Corporation's auditor, and render at each meeting of the Board, and at such other times as the Board may require, a report on the financial condition of the Corporation. The Treasurer shall sign such documents that require the signature of the Treasurer.

Section 7. President/Chief Executive Officer. In addition to the Officers of the Board of Directors, the Corporation shall have a President/Chief Executive Officer (President/CEO).

- a) The President/CEO shall have responsibility and authority in accordance with these Bylaws, subject to the direction of the policies established by the Board of Directors, for the following:
 - i. The day-to-day administration of the business and affairs of the Corporation.
 - ii. The hiring or engagement of such employees of the Corporation as the President/CEO determines to be necessary to carry out the purposes of the Corporation, and the authority among other powers to hire, discharge, fix compensation, and supervise, or cause to be supervised all MDHA staff pursuant to the policies adopted by the Board.
 - iii. Seek grants and funds, and enter into contracts.
 - iv. Sign any deeds, mortgages, bonds, contracts, or other instruments that the Board of Directors may have authorized to be executed.
 - v. The exercise of such powers incident to the office of President/CEO and the performance of such other duties as the Board may prescribe.
- b) The President/CEO shall be a non-voting, ex-officio member of the Board of Directors and Executive Committee.
- c) The President/CEO serves at the discretion of the Board and may be removed, with or without cause (with reasonable notice and an opportunity to be heard) at any time by majority vote of the Directors in office, and the Board shall fill all vacancies occurring in the office of President/CEO. Any such removal of the President/CEO shall not affect any contractual rights between the Corporation and the President/CEO.

ARTICLE VII FINANCE AND RECORDS

Section 1. Contracts. The Board of Directors, except as otherwise provided in these Bylaws, may authorize any Officer or agent to enter into any contract or execute and deliver any instrument in the name of or on behalf of the Corporation, and such authority may be general or confined to a specific instance; and unless so authorized by the Board of Directors, no Officer, agent, or employee shall have any power or authority to bind the Corporation by a contract or engagement, or to pledge its credit, or render it liable pecuniary for any purpose or to any amount.

Section 2. Checks, Drafts, etc. The Board may authorize Officers and employees to sign all checks, drafts, or orders for the payment of money or other evidence of indebtedness issued in the name of the Corporation.

Section 3. Deposits. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, savings associations, credit unions, trust companies, or other depositories as the Board of Directors may approve.

Section 4. Gifts. The Board of Directors may accept on behalf of the Corporation any contribution, gift, bequest or devise for the general purposes or any special purpose of the Corporation.

Section 5. Books and Records. The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of the Board of Directors and committees having any of the authority of the Board of Directors, and shall keep at the registered or principal office a record giving the names and addresses of the members of the Board of Directors. All books and records of the Corporation may be inspected by any member of the Board of Directors or his agent or attorney for any proper purpose at any reasonable time.

Section 6. Audit. The Corporation shall make provisions for an annual audit of its books and records by an independent Certified Public Accountant.

Section 7. Fiscal Year. The fiscal year of the Corporation shall be the period of twelve (12) months beginning on the first day of the calendar year and ending on the last day of the calendar year.

Section 8. Prohibition Against Sharing in Corporation Earnings. No Director, Officer, or employee of or member of a committee or person connected with the Corporation or any other private individual shall receive at any time any of the net earnings or pecuniary profit from the operation of the Corporation, and no such person or persons shall be entitled to share in the distribution of any of the corporate assets upon the dissolution of the Corporation. Upon such dissolution or winding up of the affairs of the Corporation, whether voluntary or involuntary, the assets of the Corporation, after all debts have been satisfied, then remaining in the hands of the Board of Directors shall be distributed, transferred, conveyed, delivered, and paid over in such amounts as the Board of Directors determines and specifies, exclusively to charitable, religious, scientific, literary, or educational organizations which would then qualify under the provisions of Section 501(c)(3) of the Internal Revenue Code and its Regulations, as amended.

ARTICLE VIII INDEMNIFICATION OF OFFICERS AND DIRECTORS

Section 1. Definition for this Article Only For the purposes of this Article VIII:

- a) "Agent" means any person who is or was a Director or Officer of the Corporation, or is or was serving at the request of the Corporation as a Director or Officer.
- b) "Proceeding" means any threatened, pending, or completed action or proceeding, whether civil, criminal, administrative, or investigative.
- c) "Expenses" includes without limitation attorneys' fees and any expenses of establishing a right to indemnification under Article VIII, Section 2.

Section 2. When Indemnification is Required, Permitted and Prohibited

- a) The Corporation shall indemnify a Director who was, is or may be named as a defendant or respondent in any proceeding, not brought on behalf of the Corporation, as a result of his or her actions or omissions within the scope of his or her official capacity in the Corporation. However, the Corporation shall indemnify such person only if he or she acted in good faith and reasonably believed that the conduct was consistent with the Corporation's best interests. In the case of a criminal proceeding, the person may be indemnified only if he or she had no reasonable cause to believe that the conduct was unlawful. In the case of a proceeding brought by or on behalf of the Corporation, the person may be indemnified only to the extent provided in

Article VII, Section 2(f). The Corporation shall not indemnify a person who is found liable to the Corporation, or is found liable to another, on the basis of improperly receiving a personal benefit. A person is conclusively considered to have been found liable in relation to any claim, issue, or matter if the person has been adjudged liable by a court of competent jurisdiction and all appeals have been exhausted.

- b) The termination of a proceeding by judgment, order, settlement, conviction, or on a plea of nolo contendere or its equivalent does not necessarily preclude indemnification by the Corporation.
- c) The Corporation may pay or reimburse expenses incurred by a Director in connection with the person's appearance as a witness or other participation in a proceeding involving or affecting the Corporation when the person is not a named defendant or respondent in the proceeding.
- d) In addition to the situations otherwise described in this Article, the Corporation may indemnify a Director or committee member to the extent permitted by law. However, the Corporation shall not indemnify any person in any situation in which indemnification is prohibited by the terms of Article VIII, Section 2 (a) above.
- e) Before the final disposition of a proceeding, the Corporation may pay indemnification expenses permitted by these Bylaws and authorized by the Corporation. However, the Corporation shall not pay indemnification expenses to a person before the final disposition of a proceeding, if the person is named as a defendant or respondent in any proceeding brought against such person by the Corporation in which the person is alleged to have improperly received a personal benefit.
- f) If the Corporation may indemnify a person under these Bylaws, the person may be indemnified against judgments, penalties, taxes, fines, settlements, and reasonable expenses (including attorneys' fees) actually incurred in connection with the proceeding. However, if the proceeding was brought by or on behalf of the Corporation, the indemnification is limited to reasonable expenses (including attorneys' fees) actually incurred by the person in connection with the proceeding.

Section 3. Procedures Relating to Indemnification Payments. Before the Corporation may pay any indemnification expenses (including attorney's fees), the Corporation shall specifically determine that indemnification is permissible, authorize indemnification, determine that the expenses to be reimbursed are reasonable, except as provided in Article VIII, Section 3(c), below.

- a) The Corporation may make these determinations and decisions by any one of the following procedures:
 - i. Majority vote of a quorum of the Board, consisting of Directors who, at the time of the vote, are not named defendants or respondents in the proceeding.
 - ii. If such a quorum cannot be obtained, by a majority vote of those members of the Executive Committee who, at the time of the vote, are not named defendants or respondents in the

proceedings;

- iii. If two or more members of the Executive Committee are not eligible and available to vote as provided in Article VIII, Section 3(a)(ii), by special legal counsel selected by a majority vote of a quorum of the Board of Directors to represent the Corporation in fulfilling its obligations, if any, under this Article.
- b) Upon authorizing indemnification, the Corporation shall determine that expenses to be reimbursed are reasonable in the same manner that it determines whether indemnification is permissible.
- c) Upon authorizing indemnification expenses before final disposition of a proceeding only after the Corporation determines that the facts then known would not preclude indemnification and the Corporation receives a written affirmation and undertaking by the person to be indemnified that he or she has met the standard of conduct necessary for indemnification under this Article and that he or she will repay the amount paid or reimbursed by the Corporation if it is ultimately determined that the person has not met the requirements for indemnification. The undertaking need not be secured and it may be accepted without reference to financial ability to make repayment.

ARTICLE IX ADDITIONAL PROVISIONS

Section 1. Agents and Representatives. The Board of Directors may appoint such agents and representatives of the Corporation with such powers and to perform such acts or duties on behalf of the Corporation as the Board of Directors may see fit, so far as may be consistent with these Bylaws.

Section 2. Amendment. These Bylaws may be amended, altered, repealed, and new Bylaws adopted by the affirmative vote of a majority of the Directors present at any regular or any special meeting of the Board of Directors, provided that there is proper notice of the consideration of the Bylaw change prior to the meeting.

Section 3. Telephone and Similar Meetings. Subject to the provisions in these Bylaws regarding notice, at any regular or special meeting of the Board of Directors, the "presence" of any or all Directors at such meeting shall be deemed to include not only physical presence, but also the participatory presence of a member by means of conference telephone or similar communication equipment by means of which all persons participating in the meeting can hear each other, except where a director participates in the meeting for the express purpose of objecting to the transaction of any business at such meeting, as permitted by Section 22.002 of the Texas Business Organizations Code.

Section 4. Public Meetings; Executive Sessions. All meetings of the Board shall be open to the public unless a majority of the present Directors eligible to vote determine that consideration of specific matter on a specific occasion shall be closed to the public. That part of a meeting closed to the public shall be known as an executive session. Agenda and non-agenda items may be considered in an executive session. An executive session shall consider only matters for which the required determination has been made.

Section 5. Public Participation. The Board welcomes written and other communication from members of the public. Members of the public may address a meeting of the Board upon invitation of

the chair of the meeting, unless the Board otherwise directs.

Section 6. Non-Discrimination. The Corporation shall not discriminate on any basis prohibited by law, including, but not limited to, race, ethnicity, color, creed, religion or religious affiliations, nationality or national origin, age, sexual or affection orientation, gender, or disabilities.

Section 7. Method of Giving Notice. Unless otherwise required by law or specifically provided for in these Bylaws, all notices required to be given to any Director or committee member by any statute, regulation, the Articles of Incorporation, or by these Bylaws, shall be given in accordance with Article III, Section 8 of these Bylaws.

Section 8. Waiver of Notice. Whenever any notice is required to be given to any Director or committee member under the provisions of any statute, regulation, the Certificate of Formation or these Bylaws, a waiver thereof in writing signed by the person or persons entitled to said notices, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Section 9. Attendance Waiver. Attendance of a Director or committee member at a meeting shall constitute a waiver of notice of such meeting, except where a Director or committee member attends a meeting for the express purpose of objecting to the transaction of any business on the ground that the meeting is not lawfully called or convened.

Section 10. Action by Written Consent Without a Meeting. Any action required or permitted to be taken at a meeting of the Board of Directors or any committee established by these Bylaws or by the Board under applicable provisions of relevant statutes or regulations, the Articles of Incorporation, or these Bylaws, may be taken without a meeting if a consent, in writing, setting forth the action so taken, is signed (or agreed to by electronic transmission of such consent) by all members of the Board of Directors or respective committee, as the case may be. Such consent shall have the same force and effect as a unanimous vote of Directors or committee members, as the case may be.

Section 11. Equal Employment Opportunities. The Corporation and its agents shall not discriminate in the securing or offering of employment or service against any persons due to race, ethnicity, color, creed, religion or religious affiliation, nationality origin, age, sexual or affection orientation, gender or disabilities.

Section 12. Gender. Words of either gender shall include the other gender