

Maryland Balance of State
Continuum of Care
GOVERNANCE CHARTER

May 2023



This charter was adopted in full by the Maryland Balance of State Continuum of Care (MD BoS CoC) Board on May 8, 2020.

CoC Governance Charter Amendment Process

The MD BoS CoC will review, update, and approve this governance charter at least annually. Any CoC member may propose an amendment to the charter. Governance Charter revisions and amendments will be circulated to Local Homelessness Coalitions (LHCs) for timely review before voting occurs. Proposed amendment(s) shall be submitted in writing to each member of the CoC Board at least 10 business days before a vote is held to amend or approve the Charter. This Governance Charter may be amended by a majority vote at a meeting of the MD BoS CoC Board.

Action	Date Completed
Document Adopted	May 8, 2020
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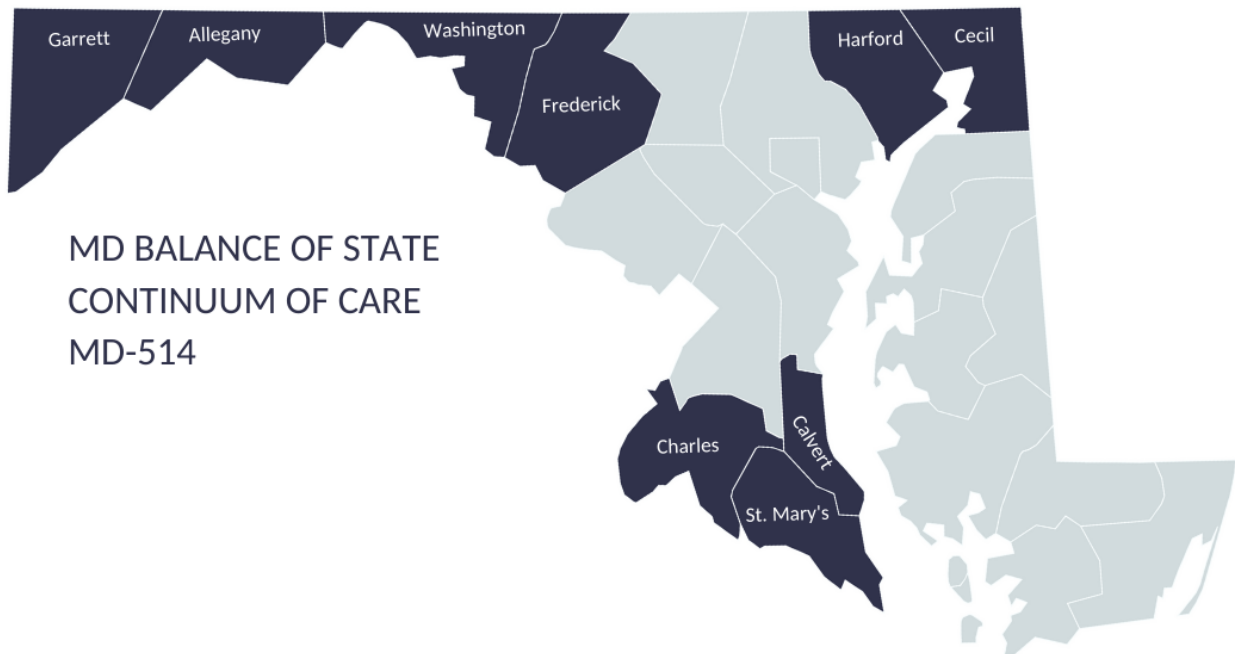
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Governance Structure

The name of this CoC shall be Maryland Balance of State Continuum of Care and the name of this Continuum of Care Board shall be “Maryland Balance of State (MD BoS) CoC Board.” HUD has assigned a numeric identifier to the MD BoS CoC: MD-514.

To receive funding through the U.S. Department of Housing and Urban Development (HUD), under the HEARTH Act (formerly, the McKinney Vento Homeless Assistance AMD), geographic regions are required to establish and maintain a Continuum of Care. The MD BoS CoC covers:

- Allegany County
- Calvert County
- Cecil County
- Charles County
- Frederick County
- Garrett County
- Harford County
- St. Mary’s County
- Washington County



The MD BoS CoC is composed of CoC members as well as a CoC Board, which oversees and supports the operations and decisions of the Continuum of Care. CoC general membership is open to the public, all interested parties are encouraged to join. Responsibilities of CoC Board members are described in this Governance Charter.

Purpose of the Continuum of Care

The MD BoS CoC is a united coalition of community providers and state systems that assist those experiencing homelessness and those at imminent risk of homelessness in the BoS geographical region to obtain housing, economic stability, and an enhanced quality of life through comprehensive services.

The MD BoS CoC addresses critical issues related to homelessness through a coordinated community-based process of identifying and addressing needs by utilizing not only HUD dollars, but also mainstream resources and other sources of funding. This work is typically achieved through Local Homelessness Coalitions (LHCs), that make up the MD BoS CoC.

Other critical purposes of the MD BoS CoC are avoiding duplication of efforts in services, leveraging resources and coordinated planning.

Purpose of the Continuum of Care Board

The MD BoS CoC Board coordinates policies, strategies and activities needed for ending and preventing homelessness in the MD BoS geographic region. The MD BoS CoC Board gathers and analyzes information to determine the local needs of people experiencing homelessness, implements strategic responses, educates the community on homeless issues, provides advice and input on the operations of homeless services and measures CoC performance. The CoC Board is responsible for facilitating the evaluation of the CoC Lead and HMIS Lead every five years, at a minimum. The MD BoS CoC Board reports to and is accountable to the full membership of the MD Balance of State Continuum of Care.

Collaborative Applicant/Lead Agency

The designated lead agency for the MD BoS CoC is the MD Department of Housing and Community Development (DHCD). As lead agency, DHCD carries out all responsibilities of the CoC Collaborative Applicant as described in the CoC Interim Program Rule and serves in compliance with all rules, notices and policies published by HUD. The lead agency is the only entity that may apply for CoC planning grant project funds in the annual CoC Program Competition. The Lead Agency agrees to carry out additional responsibilities necessary to support day to day operations on behalf of the BoS CoC as delegated by the CoC Board and reflected in the Lead Agency MOU. The MOU designates DHCD as the Lead Agency and is signed by the CoC Lead and the BoS Board of Directors (*Appendix 3*).

HMIS Lead Agency

The MD Department of Housing and Community Development (DHCD) serves as the HMIS Lead Agency for the MD BoS CoC. As HMIS Lead, DHCD reserves the right to contract HMIS activities to qualified vendors to carry out all responsibilities for administering the CoC's Homeless Management Information System as described in the CoC Interim Program Rule and in compliance with all rules, notices and policies published by HUD. The HMIS Lead is the only entity that may apply for HMIS project funds in the annual CoC Program Competition. The HMIS Lead agrees to carry out additional responsibilities necessary to support day to day operations on behalf of the BoS CoC as delegated by the CoC Board and reflected in the HMIS Lead MOU. The MOU designates DHCD as the HMIS Lead and is signed by DHCD and the BoS Board of Directors (*Appendix 3*).

Responsibilities of the MD BoS CoC

The MD BoS Continuum of Care is responsible for activities in the following sections as well as others as outlined by the MD BoS CoC membership and HUD.

CoC Operations

Consistent with the CoC Program Interim Rule, the MD BoS CoC Board oversees and delegates responsibilities for managing the CoC to appropriate entities, including the BoS Collaborative Applicant and BoS HMIS Lead, including:

- Develop and annually update the governance charter, which includes all procedures and policies needed to comply with HUD and HMIS requirements, including a code of conduct and recusal process for the MD BoS CoC Board, chairs and any person acting on behalf of the MD BoS CoC Board
- In consultation with recipients and subrecipients of MD Homelessness Solutions Program (HSP) funds within the CoC's geographic area (including both federal ESG and state HSP funds), works with the MD Departments of Housing and Community Development, Human Services, Health, Labor and other state agencies, and CoC members to develop and operate a coordinated entry system that provides an equitable, standardized assessment of the needs of individuals and families for housing and services
- In consultation with recipients and subrecipients of HSP funds within the CoC, establish and consistently follow written standards for providing CoC assistance
- Consult with recipients and subrecipients to establish performance targets appropriate for population and program type
- Monitor performance of CoC and HSP recipients and subrecipients
- Evaluate the outcomes of projects funded under HSP and CoC programs
- Work to improve performance of HSP and CoC projects
- Report the outcomes of HSP and CoC projects to the BoS, DHCD and HUD annually
- Provide guidance, appropriate trainings and technical support to the localities that make up the MD Balance of State

CoC Planning

The MD BoS CoC Board is responsible for the following activities:

- Conduct an annual gaps analysis of the needs of homeless people, as compared to available housing and services within the CoC geographic area
- Work closely with government agencies, funders, advocates, providers and consumers to coordinate the implementation of a housing and service system within the CoC's geographic area that meets the needs of homeless individuals and families. The system encompasses:
 - Outreach, engagement, and assessment
 - Shelter, housing, and supportive services
 - Prevention strategies

- Provide information required to complete the Consolidated Plan(s) within the CoC geographic area
- Consult with DHCD on HSP allocations within the CoC geographic area to report and evaluate the performance of HSP recipients and subrecipients

Designating and Operating an HMIS

The MD BoS CoC Board has the responsibility to designate a single HMIS implementation and HMIS Lead for the CoC's geography.

The MD BoS CoC HMIS Lead is responsible for the following activities:

- Work with the CoC Board and HMIS Committee to review, revise and approve a CoC HMIS data privacy plan, data security plan and data quality plan
- Ensure that the HMIS is administered in compliance with HUD requirements
- Compile and enter data for required reports into HUD systems, working collaboratively with CoC lead agency to review data quality and report content prior to HUD submission
- Work with CoC Board and CoC lead agency to develop a system and project performance reporting plan, produce performance reports for CoC use, and provide technical assistance as needed to HMIS-participating agencies

The MD BoS CoC HMIS Lead and MD BoS CoC Board are responsible for ensuring consistent participation by CoC, ESG, PATH recipients and subrecipients and other funding sources as required in the HMIS.

Preparing an Application for CoC Funds

The MD BoS CoC Board is responsible for the following activities:

- Establish priorities that align with local and federal policies for recommending projects for HUD Homeless Assistance CoC Grant funding, that will seek to maintain an equitable distribution of resources among the localities that make up the continuum
- Designate an eligible Collaborative Applicant (i.e., Maryland Department of Housing and Community Development) to collect and combine the required application information from all applicants
- Regularly evaluates performance of the Collaborative Applicant and HMIS Lead and reflects results in its NOFA response
- Determine whether to direct the Collaborative Applicant to apply for Unified Funding Agency or High Performing Community designation from HUD
- Approve the final submission of applications in response to the CoC Notice of Funding Availability
- Design, operate, and follow a collaborative process for the development of a CoC application to HUD

Rating and Ranking

The BoS CoC will designate a Performance Review Committee to evaluate and score proposals submitted for new and renewal HUD funding according to funding priorities and other criteria as determined by the

BoS CoC Board. During the preparation and execution of the NOFA rating and ranking process, the committee will not allow members with conflicts of interest to participate in meetings or decisions regarding funding.

The MD BoS CoC Board establishes performance targets, evaluation criteria and process for renewal projects.

- Providers are asked to submit data such as consumer surveys, APRs and financial data before the CoC Program NOFA is released.
- Once the CoC Program NOFA is released, providers will submit project applications to MD BoS CoC and HUD for review and evaluation.
- Projects are ranked based on renewal criteria as adopted by the BoS CoC Board and new project scores as assigned by the Performance Review Committee. Final project ranking is adopted by the BoS CoC Board, based on CoC priorities prior to submission with the annual CoC Consolidated application to HUD.

CoC projects may be re-allocated in full or in part due to performance issues starting with the FY2022 application. For projects that are reallocated, the Balance of State will, where possible, seek to keep the funding from that project located within the same geography as the project being reallocated.

The CoC Competition rating and ranking policy that is approved annually by the board will establish a corrective action plan for CoC funded projects that do not meet determined threshold or performance requirements. The corrective action plan may impact current and future funding opportunities:

- A. An agency in corrective action is unable to submit a new project application.
- B. An agency in corrective action for two years jeopardizes ongoing receipt of HUD funding through a non-renewal vote by the MD BoS CoC Board.
- C. Corrective action plans will be reviewed and evaluated through project monitoring throughout the calendar year.

Note:

Any future CoC that merges into the BoS may be exempt from project reallocation, except for voluntary reallocation, during its first year of joining. The new LHC will be subject to the same standards as defined above.

Continuum of Care Membership

CoC Membership may be comprised of all individuals and agencies concerned with the development and coordination of homeless assistance programs.

Membership Recruitment and Outreach

The MD BoS CoC Board (or its designee) and LHCs will publish and appropriately disseminate an open invitation at least annually for persons within the MD BoS CoC area to join as new CoC members.

The MD BoS CoC identifies and addresses membership gaps in essential sectors, from key providers or other vital stakeholders. The MD BoS CoC will recruit members to ensure that it meets all membership requirements set forth in its governance charter, including representation of participating geographies, certain populations

and certain organizations. Specifically, outreach will be conducted to obtain membership from the following groups as they exist within the MD BoS CoC geographic area and are available to participate in the CoC:

- Individuals and families with current or prior lived experience with homelessness
- Non-profit organizations representing veterans and individuals with disabilities
- Victim service providers
- Faith-based organizations
- Public housing agencies
- Advocates
- Mental Health agencies
- School districts
- Hospitals
- Universities
- Affordable housing developers
- Law enforcement
- Representatives of business and financial institutions
- Representatives of private foundations and funding organizations
- Social service providers
- State and local government agencies

Individuals and families with current or prior lived experience with homelessness	Non-profit organizations representing veterans and individuals with disabilities	Victim service providers	Faith-based organizations
Public housing agencies	Advocates	Mental Health agencies	School districts
Hospitals	Universities	Affordable housing developers	Law enforcement
Representatives of business and financial institutions	Representatives of private foundations and funding organizations	Social service providers	State and local government agencies

There will be a full membership meeting with published agendas at least semi- annually with an invitation for new members to join publicly available at least annually.

Full Membership Meetings

The MD BoS CoC will hold meetings of the full MD BoS CoC membership at least semi-annually. The MD BoS CoC Board will announce the date, time and location of these meetings at least one month in advance and will publish the meeting agenda at least one week before the meeting. Meeting agendas will be distributed via email and posted online on the MD BoS CoC website for review prior to the meeting.

Balance of State Interested Communities

CoCs in Maryland with an interest in joining the Balance of State should contact the Lead Agency for further guidance. Upon notification of interest, DHCD, as the Lead Agency, will coordinate discussions with the CoC, the BoS Executive Committee and the Lead Agency to review the merge process and proposed timeline of activities.

On an annual basis, the BoS Board may outreach to targeted communities to review potential benefits of merging and encourage the CoC to join the Balance of State.

Interested communities should contact boscoc.dhcd@maryland.gov for more information.

Continuum of Care Board

Relationship between the CoC Board and Full CoC Membership

CoC Board meetings will be open to the full CoC membership and the public. The CoC Board will post minutes of meetings on the MD BoS CoC website, which will be maintained by DHCD staff. Between the regularly scheduled MD BoS CoC Board meetings, the Board members and Collaborative Applicant will keep the full membership involved by involving all CoC members in workgroups and committees and by sharing information (including meeting minutes, resources for homeless services providers, plans and implementation progress, data about homelessness in the region and funding availability) via email and/or the CoC website.

Board Member Responsibilities

All members of the MD BoS CoC Board shall demonstrate a professional interest in, or personal commitment to, addressing and alleviating the impacts of homelessness on people in the CoC geographic region.

MD BoS CoC Board members are expected to:

- Attend meetings and contribute to informed dialogue on actions the group undertakes
- Serve on a committee of the MD BoS CoC
- Participate in the activities of the MD BoS CoC Board, including the Point-in-Time count, HMIS oversight, strategic planning, advocacy and public education efforts, project and system performance reviews, and the application processes for CoC Homeless Assistance Grants and other funding proposals
- Seek input from and report back to the represented LHC stakeholders on key issues and strategies and otherwise keep abreast of needs and gaps in the CoC

Board Member Selection and Designation

The MD BoS CoC Board is comprised of representatives of state government agencies (including ESG recipients), nonprofit intermediaries, at least one lived-experience representative (homeless/formerly homeless persons), and homeless provider organizations representing sub-regions (i.e., LHCs) of the BoS geographic area.

LHC Board representatives are selected by their respective local planning body; the LHC will establish a process to identify and elect their representative(s). The LHC must reelect each member at the end of their two-year term or select a replacement as needed following local protocol.

Government representatives are appointed by their agency and include the MD Departments of Housing and Community Development, Disabilities, Human Services, Health and Education. Three additional state agencies will have seats on the CoC Board and will be selected based on the CoC's action plan priorities. Government representatives must be re-appointed at the end of their two-year term by their respective agency.

The BoS Board of Directors will confirm the designated LHC and Government representatives at the time of appointment or when expired terms are renewed. Any new members, designated seats or ad-hoc membership may be added as needed by a majority vote of the existing BoS CoC Board.

Lived Experience Representation

Representatives with lived experience (those who currently or have previously experienced homelessness) will be nominated by LHCs. The CoC encourages individuals who have utilized homeless housing or services to apply. Lived Experience Representatives may be employed by any agency receiving CoC funds but must refrain from voting if a conflict of interest presents itself. No LHC can have more than one individual with lived experience representing its region.

Regional Representation Requirements

Each LHC is eligible to have representation on the BoS CoC Board.

Representation on the 2023-2024 MD BoS CoC Board will be, with each representative having one vote:

- 4 representatives from Southern Maryland LHC
- 2 representatives from Garrett County LHC
- 2 representatives from Allegany County LHC
- 2 representatives from Washington County LHC
- 2 representatives from Cecil County LHC
- 2 representatives from Harford County LHC
- 2 representatives from Frederick County LHC

To maintain a representative on the BoS CoC Board, an LHC must meet the following requirements:

- The region must have a functioning and active LHC and engage in local planning with a diverse group of stakeholders.
- LHCs must submit the name(s) of their appointed BoS CoC Board representative (s) to the BoS CoC Board as regional seats become available.
- Each year, all regions of the MD BoS are required to participate in the annual point- in-time homeless count to collect information on homeless persons and bed inventory; each region must designate a count coordinator, each funded agency must also designate at least one staff member to assist with the unsheltered homeless count.
- LHC representatives on the BoS CoC Board are responsible for convening local planning on homeless housing and services and obtaining input from LHC members to share with the BoS CoC Board. The representatives are charged with ensuring that decisions made and information shared at BoS CoC Board meetings is brought back to the relevant local planning bodies.
- Collaborate with local educational agencies in identification of children and youth who are experiencing homelessness.
- Operate in accordance with MD BoS CoC and statewide LHC policies and procedures and develop local LHC procedures as necessary.
- Ensure regular review of HMIS data quality reports for the region and outreach to providers with poor data quality.
- Provide required information for the annual CoC Funding Application to HUD and obtain Certificates of Consistency with relevant Consolidated Plans.

LHCs are the core organizing and implementation entities for local delivery of housing and service initiatives intended to help to end homelessness. The LHCs bring local providers and stakeholders together to collaboratively address homelessness and plan for housing and services in their region.

MD BoS CoC Board Representatives from each LHC share the planning and work being conducted in their communities as well as raise local issues of importance and concern for MD BoS CoC to address. Responsibilities of LHCs include reviewing proposed amendments to this CoC Governance Charter and nominating proposed lived-experience CoC Board members.

State Agency Representation Requirements

Each designated MD state agency is eligible to have representatives on the BoS CoC Board. Representation on the MD BoS CoC Board in 2023 will be as follows, with each representative having one vote:

- Department of Housing and Community Development
- Department of Disabilities
- Department of Human Services
- Department of Health
- Department of Education
- Department of Labor
- Department of Public Safety and Corrections
- Department of Veterans Affairs

To maintain a representative on the BoS CoC Board, the state agency must meet the following requirements:

- Submit the name(s) of their appointed representative(s) to the BoS CoC Board as seats become available.
- State agency representatives on the BoS CoC Board are responsible for coordinating their agency contributions to the CoC action plan priorities, which includes providing expertise, collaborative policy planning, program coordination and providing relevant information and data.
- Each state agency will be responsible for delegating a representative to serve on one or more BoS CoC committees.

Board Member Terms

MD BoS CoC Board Members will serve two-year terms and may serve unlimited consecutive terms. Board members will be reelected or reappointed via the LHC process or via agency appointment which the Board will confirm upon notification.

Board Member Termination

Members may be dismissed from the MD BoS CoC Board for violating the MD BoS CoC Code of Conduct; a majority vote of the Board will be required for an official dismissal. If a board member wishes to resign, the board member shall promptly submit a letter of resignation to a BoS CoC Board chairperson.

Board Voting

The MD BoS CoC Board operates by consensus whenever possible. When a vote is necessary, each member shall have one vote upon any motion.

- A. No member shall vote on any issue where there could be a conflict of interest (Refer to Conflict of Interest policy).
- B. As needed, Robert's Rules of Order will govern procedural questions during BoS CoC Board Meetings.

- C. A simple majority vote of members present will be used to settle issues that reach an impasse.

Board Members can assign voting and other responsibilities to proxies on a short-term basis. Board members seeking to do this must communicate in writing, with at least 48 hours' notice before scheduled votes or meetings: the name and qualifications of their proposed proxy to the BoS CoC Executive Committee and the proposed duration of this status. Under exigent circumstances the 48-hour notice requirement can be waived.

Board Meetings and Attendance

The BoS CoC Board shall meet on a bi-monthly basis, rotating a physical meeting space throughout the BoS CoC while offering electronic participation and voting options.

- A. Two meetings per year will be held in a central location in the State for an in-person meeting.
- B. Special meetings can be called by the Executive Committee on an as-needed basis.
- C. Attendance will be recorded at all committee meetings. Members are expected to have at least a 75% attendance rate at all BoS CoC Board meetings, including at least one of the two central meetings.
- D. In the instance of participation decline, the Executive Committee may evaluate a member's ability to continue with their Board service. If it is determined an individual is unable to continue, the respective LHC must designate a replacement member.

Quorum at MD BoS CoC Board Meetings

A simple majority (50% + 1) of Members, at a BoS CoC Board meeting, constitutes a quorum. A quorum is needed for all votes and specifically to:

- A. Change the MD BoS CoC Governance Charter,
- B. Approve BoS CoC Board members and
- C. Elect board leadership.

Board Leadership

MD BoS CoC Officers will include a chairperson, a vice-chairperson, and a secretary.

Chairperson:

The Chairperson shall be elected by the CoC Board and shall serve for a term of two years beginning January 1 of the calendar year, with terms expiring December 31. The Chairperson can serve no more than two consecutive terms and may serve multiple nonconsecutive terms if reelected. The Chairperson shall have the following responsibilities:

- Conduct all CoC meetings
- Act as the signatory on behalf of the CoC
- Ensure the actions of the CoC are consistent with this Charter, the laws of the State of Maryland and HUD rules and regulations
- Review, protect and advocate for the mission of the CoC
- Speak or assign someone to speak on behalf of the CoC, as requested
- Ensure that individual committee performance is regularly reviewed
- Establish process to recruit new members for standing committees and create ad-hoc

- committees as needed
- Set the CoC meeting schedule and agenda with assistance of the Collaborative Applicant
- Guide the CoC to move forward in addressing or implementing activities, issues, regulations, etc. that address issues of individuals and families who are currently living in homelessness or at risk of becoming homeless
- Guide the CoC in short- and long-range planning
- Ensure that all CoC members are involved in the decision-making process
- Advocate for the mission of the MD BoS CoC

Vice-Chairperson:

The Vice Chairperson shall be elected by the CoC Board and can serve for two consecutive terms beginning on January 1 of the calendar year, with terms expiring on December 31 and may serve multiple nonconsecutive terms if reelected. When the Chairperson is temporarily unavailable, the Vice Chair may assume the Chair responsibilities and act as a signatory for the CoC.

In the instance that the Chair role is unexpectedly vacated, the Vice Chair will automatically assume the role of Chairperson and will carry out the remainder of the term. When the term expires, officer elections will resume per the standard schedule.

Secretary:

The Secretary shall be a non-voting officer represented by the Collaborative Applicant. The Secretary shall be responsible for ensuring the records and minutes of the membership meetings are properly recorded, reviewed and distributed in a timely manner. The secretary will ensure maintenance of records of meeting attendance and performs other such duties as delegated. The Secretary can serve as a signatory for the CoC with written permission/request by the Chair or Vice Chair. As the Secretary role is a non-voting designated spot on the board, there are no term limits or requirements.

Officer Elections

CoC Board Officer nominations shall be submitted by current Board members or the Executive Committee as officer seats become available. Nominees must be a current board member and in good standing.

Officer elections shall be conducted during the November Board Meeting with terms starting on January 1 the following year. Officers will be elected based on a majority vote of the board. The nomination process will be open for two weeks prior to the vote. In the case of unplanned officer vacancy, Board members may make a motion to nominate and install a new officer at the next scheduled board meeting without prior notice.

Officer Terms

The Chairperson & Vice-Chair shall be elected by the CoC Board and shall serve for a term of two years beginning January 1 of the calendar year, with terms expiring December 31. Officers can serve no more than two elected consecutive terms during a regularly scheduled election and may serve multiple nonconsecutive terms if reelected.

This applies to vacancies or elections that occur after March 17, 2022.

Officer Vacancies

Officer vacancies due to death, resignation, removal, disqualification, or any other reason may be filled by a

majority vote of the Board at a Board meeting at which a quorum is present. A Board member elected to fill a vacancy shall be elected for the unexpired term of his or her predecessor in office. The CoC Board shall be notified of any unexpected officer vacancy as the information becomes available.

Resignation

Officers shall have the right to resign at any time upon written notice thereof to the Board Chair, Secretary of the Board, or DHCD staff. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof, and the acceptance of such resignation shall not be necessary to make it effective

Removal

Any officer may be removed at any time by majority vote of the Board of Directors. No officer of the Board of Directors shall be removed without an opportunity to be heard and notice of the motion of removal shall be given to the officer in writing twenty days prior to the meeting at which motion shall be presented, setting forth the reasons of the Board for such expulsion.

Continuum of Care Committees

The Continuum of Care shall have the following committees:

Executive Committee

The Executive Committee, including at a minimum the Chairperson, Vice Chairperson and Secretary, will provide oversight and planning for the CoC and the Lead Agency. Responsibilities included preparation of and/or review of reports, evaluation of performance and systems, and the development of necessary procedures to implement policies ratified by the CoC. The Executive Committee will review the annual CoC Consolidated Application to HUD and will research additional funding sources for the CoC agencies' programs.

Additional responsibilities of the Executive Committee include governance related tasks and may include making recommendations to the board on governance policies, practices and procedures, overseeing the orientation and education of board members, review of board, officer and committee member composition for purposes of compliance, diversity and any additional goals set by the Board, and developing a schedule and process for ongoing evaluation of the CoC and HMIS Lead Agencies.

HMIS Committee

The HMIS Committee guides the planning and implementation of the HMIS. The HMIS Committee provides oversight to the Point-In-Time Count and HMIS data quality and compliance. The committee coordinates HUD required activities, expansion of HMIS and efforts to ensure accurate, timely and useful data reports. The group coordinates training and support around HMIS for providers.

Performance Review Committee

The Performance Review Committee will evaluate project performance throughout the year, including but not limited to: reviewing monthly and annual performance reports, reviewing project monitoring reports, and working collaboratively with DHCD to develop project performance improvement plans and technical assistance resources. The committee will be responsible for developing policies, priorities and standards for Maryland HSP funding, which will be provided to LHCs as guidance during their local funding processes. Additionally, the committee will score proposals submitted for HUD CoC Program funding according to funding priorities and other guidelines and/or plans of the CoC. Committee membership is open to any interested party, however during any funding competition process, the committee will be limited to individuals who do not have a conflict of interest due to current or requested funding; those with a real or perceived conflict must recuse themselves from funding related conversations and activities. Committee members who are eligible to participate in funding related activities are required to complete the Performance Review Committee Conflict of Interest Disclosure and Confidentiality Form to ensure transparency in the process (Appendix 2). Appeals of any Performance Review Committee decisions shall be referred to the Grievance Committee.

Coordinated Entry Committee

The Coordinated Entry Committee oversees the development and implementation of the coordinated entry systems (CES) for the MD BoS CoC. This committee sets policy and procedures in collaboration with the CoC Board for access, assessment and assignment that will occur throughout the geography of the CoC. The committee will also determine prioritization factors, administrative functions and training needs.

Youth Action Board

A Youth Action Board (YAB) will be developed and integrated into the MD Balance of State CoC. MD BoS CoC consults with the YAB on relevant policy decisions. Youth will be representative of the localities that are part of the MD BoS CoC.

Lived Experience Committee

A Lived Experience Board will be developed and integrated into the MD Balance of State CoC. The BoS will consult with the Lived Experience Board on relevant policy decisions and for feedback on CoC procedures and outcomes. The Lived Experience Board will be representative of the localities that are part of the MD BoS CoC.

Grievance Committee

The Grievance Committee ensures a fair and accessible process for clients, providers and BoS CoC Board members to file a grievance with the CoC. The Grievance Committee shall be made up of a minimum of three members of the MD BoS CoC Board. Members shall be appointed by the MD BoS CoC Board. In all instances when a conflict of interest is present, parties shall recuse themselves from voting on and otherwise influencing the outcome of matters referred to the Grievance Committee.

Ad-Hoc Committees

The MD BoS CoC Board creates ad hoc committees as it determines necessary and at its discretion.

Committee Chairs

The Executive Committee may designate and appoint committees of the Board as deemed necessary. Each Board committee shall be chaired or co-chaired by a Board member appointed by the Executive Committee or, at the Chair's discretion, selected by the committee's members, subject to the approval of the Board. Non-Board members may be appointed to any Board committees at the discretion of the Chair.

Conflict of Interest & Code of Conduct

MD BoS CoC members must always conduct themselves with the highest ethical standards. Members are required to follow the MD BoS CoC Code of Conduct (*Appendix 1*). Conflicts of interest, and even the appearance of a conflict of interest, must be avoided.

All individuals and representatives of organizations who have, are seeking, or are considering seeking funds under the endorsement of the CoC must adhere to the following:

- Members shall disclose to the CoC any conflict or appearance of conflict which may or could be reasonably known to exist.
- Members are required at least annually to complete either 1) a written attestation of having no current conflicts of interest that would prevent him/her from making decisions about CoC project funding and ranking; or 2) a written disclosure of any such conflicts of interest.
- Members shall not vote on any item that would create a conflict or appearance of conflict.
- Members shall not participate in or influence discussions or resulting decisions concerning the award of a grant or other financial benefits to the organization that the member represents.
- Members shall not lobby or seek information from any other member of the Continuum if such action would create a conflict or the appearance of a conflict.

Nondiscrimination

The members, officers, and persons served by the Continuum shall not discriminate against any CoC member because of race, color, religious creed, age, marital status, national origin, sex, sexual orientation, gender identity or gender expression, intellectual disability, or physical disability and will follow all state and federal regulations regarding nondiscrimination.

Balance of State CoC Contingency Plan

In the situation a State or National Emergency has been formally declared, the Executive Committee has authority to waive and/or modify portions of this Charter in consultation with the full Board of Directors to best meet the needs of the situation.

CoC Grant Transfer Policy

In the course of administering CoC grants, grant recipients may need to make what HUD refers to as a “significant change,” which represents a significant departure from the original grant application. Significant changes may include: a change of recipient or subrecipient, a shift of more than 10% of funds from one budget line item to another, permanent change in subpopulation served, permanent reduction in units, permanent closure of the project, or voluntary relinquishment of funding. A CoC Grant Transfer is considered a significant change.

CoC Grant transfers may have far-reaching impacts on the clients served as well as the CoC as a whole; therefore the BoS CoC must ensure a fair, transparent and effective transfer process with the ultimate goal to ensure a seamless transition without interruption of services to participants. This process is intended to confirm that

agencies taking over transferred grants have the necessary capacity, experience and knowledge to benefit program participants and communities.

CoC Grant Transfer Notification

When a CoC funded organization determines that they need to discontinue operating a CoC funded project, the organization must first notify the MD BoS CoC Lead Agency and their Local Homelessness Coalition Lead. The notification should include the following grant information:

- Project name
- Grant number
- Operating dates
- Number of currently enrolled clients and households
- Target population
- Budget details
- Other grant requirements
- Reason for the project discontinuation
- Project timeline or other considerations

Since a CoC Grant Transfer will occur outside of the annual CoC Funding Competition process, the project operation dates will be a consideration for the timing of the transfer. When possible, the transfer should occur no less than 90 days from the start of the next operational year to ensure a smooth transition for project participants and grant administration.

The CoC Lead Agency, in coordination with the LHC Lead, will conduct a preliminary evaluation to determine if the project, as currently designed, is still needed for the Local Homelessness Coalition. Each LHC may establish local protocol to determine a local review and approval process to ensure transparency and to avoid a potential conflict of interest with the project transition. For example, an LHC may elect to require that project in question be discussed and reviewed during a local all member meeting and/or require a formal vote from the LHC membership before the CoC moves forward with the transfer process.

If yes, the CoC will proceed with an open solicitation to identify a new service provider. If not, the CoC will coordinate with the HUD Field Office to identify options to repurpose or reallocate the project. If it is determined reallocation is the most appropriate option, the project will be voluntarily reallocated during the next annual CoC Funding Competition.

CoC Grant Transfer Procedure

Grant Transfer Recipient Identification and Selection Process

When a CoC Grant Transfer request has been approved by the BoS CoC, DHCD will facilitate the applicant solicitation and transfer process on behalf of the BoS CoC.

1. DHCD will issue a request for Letters of Interest (LoI) to identify a potential CoC grant transfer recipient. The LoI will require demonstration of overall organizational eligibility and the financial capacity necessary to administer the CoC grant. The request will include necessary information about the available grant(s), including project type, budget, projected bed and unit inventory and LHC geographic area served. In most circumstances, the preliminary LoI will be limited to recipients operating in the same geographic region as the existing recipient so that services remain in the current LHC.

- a. DHCD and the LHC Lead will review any submissions, if an appropriate entity is identified and approved, the BoS will move forward with the transfer planning process. Each LHC may designate an individual or committee to review and approve submissions and communicate any decisions to the LHC.
2. If LoIs are received from multiple eligible entities, DHCD will then publish a Request for Proposals (RFP) in order to establish a fair and transparent organization selection process. The RFP notification will include necessary information about the available grant(s), including project type, budget, projected bed and unit inventory, and LHC geographic area served, as well as an outline of the RFP application and selection process.
 - a. The RFP may request application materials in the form of narrative responses, official agency and financial documentation, performance data and reporting.

Note: Agencies with existing CoC-funded grants of the same program type as the transfer grant may be asked for limited information because they have been vetted in previous CoC competitions.

Agencies that do not have an existing CoC-funded grant of the same program type as the transfer grant may be asked to submit more documentation necessary to assess their ability to run the grants.

Agencies with no CoC-funded grants or CoC-funding experience may be subject to further threshold review.
 - b. The CoC will identify an impartial review panel to review and score all submitted RFPs. The review panel will select and recommend the transfer recipient agency and based on application scores. The panel will provide its recommendation to the BoS CoC Executive Committee for final approval.
3. Both the Letter of Intent and the Request for Proposals will require organizations demonstrate:
 - a. Eligibility to administer CoC Program funds
 - b. Organizational and financial capacity
 - c. Expertise serving the target population
 - d. Experience administering federal grant funds
 - e. Agency mission
4. If the BoS receives no Letters of Interest or RFP submissions, the CoC grant may be subject to full reallocation during the next annual CoC Funding Competition.
5. Once the CoC has formally endorsed and approved the organizational transfer, the CoC must notify the HUD Field Office representative of the change and include any required documentation in the notice. *HUD must approve the transfer before it can be considered official.*

HUD Approval Process

Once a new recipient agency has been selected by the CoC, a request must be submitted in writing to the appropriate HUD Field Office Representative for approval of the significant change to the project.

The HUD request should include:

- A letter from the current grantee indicating the reason for relinquishing the CoC grant
- A letter from the proposed new organization indicating its willingness to become the new grantee and accept all the responsibilities according to the terms of the current grant; including:
 - A description of how the new recipient will continue to administer the grant as originally awarded:
 - Serving the same number and type of homeless persons
 - Number of units and type of housing
 - Providing appropriate supportive services
 - Documentation verifying the new recipient is a CoC Program eligible applicant
 - Including the organization TIN and UEI numbers
 - Documentation of private nonprofit status if the new agency is a nonprofit organization
- A letter from the BoS CoC approving the transfer between the organizations
- Any additional information requested by HUD

As part of HUD's approval process it may also review:

- Any outstanding financial audits, monitoring findings, results from investigations by the Office of the Inspector General
- Other documents to ensure that there are no capacity issues

HUD must approve the change and execute an amended grant agreement before the new recipient can begin operating the project.

Post Approval Transfer Process

Upon final approval by HUD, the original and new agencies, in coordination with DHCD, should follow the steps below to ensure the full and proper transfer of the project.

CoC Lead Agency: DHCD

- Designate an agency primary contact
- Coordinate meetings with both agencies involved in the transition
- Hold agencies accountable to the roles and responsibilities below by establishing a timeline and deadlines
- Coordinate with the HMIS Administrator on the project HMIS set up and effective start date of the new program

Original Agency (from which the program is transferring)

- Designate an agency primary contact
- Provide notification to participants of the upcoming change in service provider
- Obtain consent from all participants to provide information to new service provider
- Produce a program roster that includes the following information:
 - Number of participants referred and enrolled
 - Number of participants searching for housing
 - Number of participants housed
- Provide program spreadsheet with participant information including:
 - HMIS identification number
 - Landlord information
 - Program rent amount

- Client anticipated last month of subsidy
- Applicable funding stream(s)
- Balance of any rent or fees owed by the participant
- Provide program participant files
- Ensure all required documentation is on file and in compliance with [Chapter 29 of the CPD Monitoring Handbook](#)
- Document any missing or deficient items and the plan to address the issues
- Provide an HMIS data quality report (after correcting data quality issues)
- Work with the HMIS Administrator to coordinate the close out all participants in HMIS
- Provide any additional documents or information identified as needed

New Agency (to which the program is transferring)

- Designate an agency primary contact
- Review all participant files upon receipt
 - Reconcile with program roster and confirm all files are received
 - Ensure all required documentation is on file and compliant, document anything that is missing or deficient
 - Reconcile with rent spreadsheet to ensure all information matches
- Confirm payments can begin at transition start period without any issues
- Work with the HMIS Administrator to complete program entry for all participants in HMIS
- Accept all of the current participants in the program as transferred by the former agency, at least until a further assessment of program participants is conducted

Grant Letter of Support Policy

A key component to comprehensive and vibrant homeless services programming is utilization of diverse funding sources. Most sources of funding require organizations to obtain letters of support from existing funders, partner organizations, and government leaders. The MD BoS CoC is pleased to provide letters of support for grant applications for organizations that meet all of the following requirements:

- Is a nonprofit or governmental organization, or is a private company seeking to provide subcontracted services to a nonprofit or governmental organization
- Has a Certificate of Good Standing within the last 90 days
- Currently operates or is applying for funding to provide services within the CoC's geographic area: Allegany, Calvert, Cecil, Charles, Frederick, Garrett, Harford, St. Mary's and Washington Counties
- Project aligns with the goals of the HUD Continuum of Care Program to make homelessness rare, brief and non-recurring
- Is a shelter or housing project that operates or plans to operate with Housing First principles. Housing First does not require people experiencing homelessness to address all of their problems including behavioral health problems, or to graduate through a series of services programs before they can access housing. Housing First does not mandate participation in services either before obtaining housing or in order to retain housing. The Housing First approach views housing as the foundation for life

improvement and enables access to permanent housing without prerequisites or conditions beyond those of a typical renter. Supportive services are offered to support people with housing stability and individual well-being, but participation is not required as services have been found to be more effective when a person chooses to engage.

Request Process

Requests for letters of support should be submitted to msboscoc@maryland.gov at least 10 business days prior to the date needed. If the request is not submitted at least 10 business days prior, the MD BoS CoC cannot guarantee the request will be fulfilled in time.

Local Homelessness Coalition (LHC) Leadership for the county or region the project seeks to operate in will review the information provided and inform the CoC Lead agency if they support the request and if it aligns with local needs and funding priorities. The CoC Lead agency will then issue a letter of support on behalf of the CoC Board Chair and Vice Chair.

Required Documentation for Requests

All requests should include:

1. Description of the project that the organization is seeking funding for or a copy of the grant application that describes the project
2. Letter of support template if specific language is to be included in the letter. Information should include the funding source of the application, agency history of providing services to the community and anticipated project start date.

APPENDIX

Appendix 1: Continuum of Care Code of Conduct

This MD BoS CoC Code of Conduct represents the CoC's commitment to high standards. The following standards should be regarded as minimum expectations for conduct.

Members will act in accordance with and maintain the highest standards of professional integrity, impartiality, diligence, creativity and productivity. CoC business will be conducted in a manner that reflects the highest standards and in accordance with federal, state, and local laws and regulations.

Compliance with Policies

Members will conduct the MD BoS CoC business in accordance with the by-laws of MD BoS CoC including conflict of interest and information management policies.

1. Conflict of Interest

- A. Members must act in the best interests of the organization and avoid situations where their personal interests or relationships interfere with acting in good faith on behalf of the MD BoS CoC.
- B. Members may not engage in activities that conflict with the interests of the MD BoS CoC or that may negatively impact the reputation of the CoC.
- C. Members are required to follow CoC requirements regarding conflict of interest and code of conduct.

2. Confidentiality

Members must maintain the highest standards of confidentiality regarding information obtained directly or indirectly through their involvement with the MD BoS CoC. This includes but is not limited to information about members and their organizations and funded agencies. Members must also avoid inadvertent disclosure of confidential information through casual or public discussion, which may be overheard or misinterpreted.

3. Impartiality

Members shall act impartially and with integrity. Members will:

- Not knowingly be a party to or condone any illegal or improper activity.
- Not directly, or indirectly, seek personal gain which would influence, or appear to influence, the conduct of their duties.
- Not exploit CoC professional relationships for personal or professional gain.
- Be alert to the influences and pressures that interfere with the professional discretion and impartial judgment required for the performance of members.

4. Fraud

The term fraud refers to, but is not limited to: intentionally entering false or erroneous information into electronic software systems; any dishonest or fraudulent act; forgery or alteration of any official document; misappropriation of funds, supplies, or Continuum of Care materials; improper handling or reporting of money or financial transactions; profiting one's self or others as a result of inside knowledge; destruction or intentional disappearance of records, furniture, fixtures, or equipment; accepting or seeking anything of material value from vendors or persons providing services or materials to the Continuum of Care for personal benefit; or any similar or related irregularities. Fraudulent acts will not be tolerated and may result in termination from CoC committees and governance.

5. Gifts or Honoraria

It is not permissible to offer or accept gifts, gratuities, excessive favors or personal rewards intended to influence the MD BoS CoC's decisions or activities.

6. Harassment

Harassment, interpreted as unwelcome conduct, comment, gesture, contact, or intimidating and offensive behavior likely to cause offense or humiliation, will not be tolerated and may result in disciplinary measures up to and including removal from CoC committees and governance.

7. Laws and Regulations

CoC business will be conducted in a manner that reflects the highest standards of excellence and in accordance with all federal, state, and local laws and regulations.

Appendix 2: Performance Review Committee Conflict of Interest Disclosure and Confidentiality

MD-514 Performance Review Committee Conflict of Interest Disclosure Form

MD-514 Continuum of Care Policies and Procedures state that Performance Review Committee members with actual or perceived conflicts of interest must identify them as they arise and shall no longer serve on the Performance Review Committee, so long as the conflict exists.

Members may not be employees, contractors, board members, or serve in any representative capacity of an applicant or a subrecipient agency party to a funding application. Committee members shall not vote upon any matter which shall have a direct financial bearing on the organization that the member represents. This includes all decisions with respect to funding, awarding contracts and implementing corrective actions.

This form shall indicate whether a Committee member has any economic interest in, or acts as an officer or a director of, any entity whose financial interests would reasonably appear to be affected by the participation of said member in the Performance Review Committee. Committee members must disclose any personal, business, or volunteer affiliations that may give rise to a real or apparent conflict of interest.

Please describe below any relationships or positions you hold (volunteer or otherwise), or circumstances that you believe could contribute to a conflict of interest:

_____ I have no conflict of interest to report.

_____ I have the following conflict of interest to report; please specify the nonprofit and relationship/position in which you currently serve below:

1. _____

2. _____

3. _____

I hereby certify that the information set forth above is true and complete to the best of my knowledge.

Name: _____

Signature: _____

Date: _____

MD-514 Performance Review Committee Confidentiality Agreement

During the time that I serve on the MD-514 Performance Review Committee, I realize that I will gain access to information that is confidential and/or proprietary. Such information relates to submitted proposals, review criteria, or decisions made with regard to MD-514 CoC program performance and funding.

Since confidential and proprietary information is crucial to the operation of the funding process, and because the CoC has the obligation to protect such information, I agree that I will not disclose such privileged information during or subsequent to my participation on the Performance Review Committee, and that I will preserve the restricted nature of this information except to the extent that it becomes publicly available, or is otherwise obtained outside the scope of this agreement from third parties. This information includes specific discussions held during funding deliberation meetings, the disclosure of specific committee member opinions and votes, as well as programmatic application and performance materials from funding applicants.

I will contact a CoC representative if I have any questions regarding this policy.

I hereby acknowledge that I have reviewed all the information above. I understand that compliance with the principles and policies expressed above is a condition of my participation and continued membership on the Performance Review Committee.

Name: _____

Signature: _____

Date: _____

Appendix 3: Related Balance of State Policy and Procedures

IN PROGRESS

- CoC Written Standards
- Coordinated Entry Policy & Procedure
- HMIS Policy & Procedure
- CoC Lead Agency MOU
- HMIS Lead MOU
- CoC Membership Policy
- Committee Member Expectation Agreement