

# **Louisiana Balance of State Continuum of Care Governance Charter**

## I. Overview

The Louisiana Balance of State Continuum of Care (generally referenced in this document as “BoS CoC” or “Continuum”) is the group composed of representatives of relevant organizations that are brought together to plan for and provide, as necessary, a system of outreach, engagement, and assessment; emergency shelter; rapid rehousing; transitional housing; permanent housing; and prevention strategies to address the various needs of homeless or at risk of homelessness persons for a specific geographic area. The Continuum utilizes the Continuum of Care (“CoC”) model mandated by the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (“HEARTH Act”) amendment to the McKinney-Vento Homeless Assistance Act as further promulgated by the Department of Housing and Urban Development (“HUD”) CoC Interim Rule (24 CFR Part 578) (the “Interim Rule”).

### HUD REQUIREMENTS for CoC OPERATION AND GOVERNANCE

HUD charges communities that receive funds under the Homeless CoC Program with specific responsibilities. Section 578.3 of the HEARTH Interim Rule published in July 2012 (Interim Rule), defines a Continuum of Care as “the group organized to carry out the responsibilities required under this part [Part 578-Continuum of Care Program] and that is composed of representatives of organizations, including nonprofit homeless 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, organizations that serve homeless and formerly homeless veterans, and homeless and formerly homeless persons to the extent these groups are represented within the geographic area and are available to participate.”

The Interim Rule requires CoCs to establish a Board to act on behalf of the CoC. The CoC assigns the Board responsibilities through a written agreement called a Governance Charter that reflects the policies developed by the CoC. The CoC Board does not have any authority except as specified in the Governance Charter and Bylaws. Otherwise, authority and responsibility are retained by the CoC. This Governance Charter is adopted in accordance with The Interim Rule and is established in consultation with the designated Collaborative Applicant, and the HMIS Lead Agency. This document outlines the establishment of the Louisiana Balance of State Continuum of Care (BoS CoC) and the roles and responsibilities assigned by the BoS CoC to the Board. It also provides additional insight into the duties of the Board and describes the standing committees, and structure of the CoC.

The policies and provisions in this Governance Charter are subject to regular review of the CoC Board, which may establish a task group to accomplish this task with input from the Board.

## RESPONSIBILITIES OF THE CoC

Section 578.7 of the HEARTH Interim Rule (July 2012) identifies the Responsibilities of the CoC as described:

### **A. Operate the CoC**

The CoC must:

- (1) Hold meetings of the full membership, with published agendas, at least semiannually;
- (2) Make an invitation for new members to join publicly available within the geographic area at least annually;
- (3) Adopt and follow a written process to select a Board to act on behalf of the CoC. The process must be reviewed, updated, and approved by the CoC at least once every 5 years;
- (4) Appoint additional committees, subcommittees, or workgroups;
- (5) In consultation with the Collaborative Applicant and the Homeless Management Information System (HMIS) Lead, develop, follow, and update annually a governance charter, which will include all procedures and policies needed to comply with subpart B of this part and with HMIS requirements as prescribed by HUD; and a code of conduct and recusal process for the Board, its chair(s), and any person acting on behalf of the Board;
- (6) Consult with recipients and sub-recipients to establish performance targets appropriate for population and program type, monitor recipient and sub-recipient performance, evaluate outcomes, and take action against poor performers;
- (7) Evaluate outcomes of projects funded under the Emergency Solutions Grants (ESG) program and the CoC program, and report to HUD;
- (8) In consultation with recipients of ESG program funds within the geographic area, establish and operate either a centralized or coordinated assessment system that provides an initial, comprehensive assessment of the needs of individuals and families for housing and services. The CoC must develop a specific policy to guide the operation of the centralized or coordinated assessment system on how its system will address the needs of individuals and families who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, or stalking, but who are seeking shelter or services from non-victim service providers. This system must comply with any requirements established by HUD by Notice.
- (9) In consultation with recipients of ESG program funds within the geographic area, establish and consistently follow written standards for providing CoC assistance. At a minimum, these written standards must include:
  - (i) Policies and procedures for evaluating individuals' and families' eligibility for assistance under this part;

- (ii) Policies and procedures for determining and prioritizing which eligible individuals and families will receive transitional housing assistance;
- (iii) Policies and procedures for determining and prioritizing which eligible individuals and families will receive rapid re-housing assistance;
- (iv) Standards for determining what percentage or amount of rent each program participant must pay while receiving rapid re-housing assistance;
- (v) Policies and procedures for determining and prioritizing which eligible individuals and families will receive permanent supportive housing assistance; and
- (vi) Policies and procedures set forth in 24 CFR 576.400(e)(vi), (e)(vii), (e)(viii), and (e)(ix), where the CoC is designated a high-performing community, as described in Subpart G.

## **B. Designating and Operating an HMIS**

The CoC must:

- (1) Designate a single HMIS for the geographic area;
- (2) Designate an eligible applicant to manage the CoC's HMIS, which will be known as the HMIS Lead;
- (3) Review, revise, and approve a (i) privacy plan, (ii) a security plan, and (iii) a data quality plan for the HMIS.
- (4) Ensure consistent participation of recipients and sub-recipients in the HMIS; and
- (5) Ensure the HMIS is administered in compliance with requirements prescribed by HUD.

## **C. CoC Planning**

The CoC must develop a plan that includes:

- (1) Coordinating the implementation of a housing and service system within its geographic area that meets the needs of the homeless individuals (including unaccompanied youth) and families. At a minimum, such system encompasses the following:
  - (i) Outreach, engagement, and assessment;
  - (ii) Shelter, housing, and supportive services;
  - (iii) Prevention strategies.
- (2) Planning for and conducting, at least biennially, a point-in-time count (PITC) of homeless persons within the geographic area that meets the following requirements:
  - (i) Homeless persons who are living in a place not designed or ordinarily used as a regular sleeping accommodation for humans must be counted as unsheltered homeless persons.

- (ii) Persons living in emergency shelters and transitional housing projects must be counted as sheltered homeless persons.
- (iii) Other requirements established by HUD by Notice.
- (3) Conducting an annual gaps analysis of the homeless needs and services available within the geographic area;
- (4) Providing information required to complete the Consolidated Plan(s) within the CoC's geographic area;
- (5) Consulting with State and local government ESG program recipients within the CoC's geographic area on the plan for allocating ESG program funds and reporting on and evaluating the performance of ESG program recipients and sub-recipients.

## **II. Mission and Goals**

The mission of Louisiana's BoS CoC is to work with stakeholders throughout its geographic area to design effective strategies to combat homelessness. To maximize effectiveness, the BoS CoC will often work in collaboration with outside entities such as the Housing and Transportation Planning and Coordinating Commission (HTPCC), to help create integrated, state-wide and community based strategies and plans to prevent and end homelessness; provide coordination among the many regional organizations and initiatives that serve people experiencing homelessness across Continuum of Care geographic areas; and to prepare, for submission to HUD, the comprehensive grant application for the Continuum of Care Program.

The BoS CoC shall align and update its mission and goals in order to remain consistent with the HUD Strategic Plan and with the Federal Interagency Homeless Council's plan entitled "Opening Doors," as updated and the Louisiana plan to end homelessness entitled "Ma Maison". These plans put an emphasis on ending veteran's homelessness by 2015, chronic homelessness by 2017, and homelessness among children, families, and youth by 2020.

Homelessness has significant detrimental effects on everyone, yet there are some whose health and safety are placed at even greater risk for harm without a safe and stable place to call home. These groups include, but are not limited to: children, women fleeing from domestic violence situations and people with disabilities. Strategies to identify and assist the most vulnerable groups will be prioritized.

While ending homelessness remains the BoS CoC's overarching goal, the Continuum is focused on moving all unsheltered persons to a shelter or otherwise safe location. At the same time, and with a priority on best practices for rapid re-housing, the Continuum will persistently focus its efforts to mitigate the trauma of homelessness by working with all stakeholders to immediately link persons to appropriate homeless and mainstream services and to shorten the length of time that persons remain unsheltered or in shelters. Further priority will be placed upon putting all homeless persons on a path toward permanent stable housing that optimizes self-sufficiency.

### **III. Responsibilities of the Continuum**

#### **A. Membership**

Membership shall consist of interested individuals and representatives from relevant organizations within the geographic area. Ongoing efforts will be made to solicit open membership from relevant organizations including nonprofit homeless assistance providers, victim service providers, faith-based organizations, governments, local chambers of commerce, local development authorities, businesses, advocates, local housing authorities, school districts, social service providers, mental health agencies, hospitals, colleges, technical schools, universities, affordable housing developers, landlords, law enforcement, and organizations that serve veterans and homeless and formerly homeless individuals.

Proactive member recruitment efforts will take place at least semi-annually through targeted emails to parties associated with relevant organizations. In addition, there will be an open membership recruitment process posted on the collaborative applicant's website at [www.lhc.la.gov](http://www.lhc.la.gov).

To remain in good standing, Continuum members are expected to attend not less than one meeting (annual membership, Board, Committee or Subcommittee) per year. Members must also adhere to the code of conduct requirements (conflict of interest, rules of order, etc.) established by the Membership and Rules Committee. Among other requirements established by the Membership and Rules Committee, no member may participate in or influence discussions or resulting decisions concerning the award of a grant or other financial benefit to the organization that the member represents. Otherwise, members may be subject to sanctions by this Committee that may include loss of voting privilege, termination of committee or subcommittee assignments, or other actions consistent with policy established and interpreted by the Committee, including membership termination, which is anticipated only in the most egregious cases. The work of the BoS CoC will be accomplished through a comprehensive process that includes full membership, regional, board and committee meetings. Full membership votes shall be taken as follows:

- An initial vote for ratification of the Charter;
- Review and/or update the Charter's process for Board selection not less than once every five (5) years [578.7(3)].

#### **B. Governing Board**

The process for Board selection shall take place as follows [578.7(3)]:

The BoS CoC Board of Directors (hereinafter referred to as "Board") is the governing body of the Balance of State Continuum. Considerations for board representation include expertise and experience in homelessness, geographic distribution,

diversification of interests, provider perspective, the perspective of homeless persons, limiting/managing conflicts of interest, and other relevant factors. The Board shall consist of eleven (11) appointed members. Board members must be relevant; meaning that they must live or work in the geographical area of the BoS CoC, provide homeless funding, homeless services, mainstream services that serve homeless persons, or provide other indirect services to homeless persons or to community organizations in the Continuum. Board members must also be otherwise qualified, as outlined in this Charter and by HUD rule. By accepting a Board position, all Board members by definition also become Continuum members.

The BoS CoC Board membership shall be established as follows:

- The Executive Director of the LHA, to represent the Collaborative Applicant;
- The Executive Director of Southeast Legal Aid Services;
- One (1) representative of the HMIS Lead Agency;
- Three (3) ESG representatives. One (1) appointed from the Southwest Region, One (1) appointed from St. Bernard Parish, and one (1) appointed from Sabine Parish;
- One (1) currently or formerly homeless person;
- Three (3) at large members. One (1) from each of the geographic regions;
- One (1) representative of the Department of Health and Hospitals;

Appointments will be made by the Collaborative Applicant based on recommendations by the members of the BoS CoC and the Membership and Rules Committee. The Membership and Rules Committee shall develop and implement a process for the nomination of “at large” Board members from each of the three (3) geographic regions. All appointments will be subject to approval by the Membership and Rules Committee based upon criteria established by that Committee.

The responsibilities of the Board include:

- Following its initial ratification by membership, and in consultation with the Collaborative Applicant and the HMIS Lead, update and follow the Louisiana Balance of State Continuum of Care Governance Charter [578.7(5)]. Exception: The Board selection process outlined in the Charter may only be revised by a vote of membership;
- Publish agendas on the LHC Continuum of Care website and hold meetings as necessary to carry out the work of the Continuum. Full membership meetings must be held at least twice annually [578.7(1)];
- Appoint standing committees outlined in this Charter, as well as additional committees, as necessary, and in collaboration with its committees, manage the work of the “Collaborative Applicant,” and “HMIS Lead” [578.7(4)].
- Appoint Committee members;
- Act on recommendations of Continuum Committees; and set priorities for the Continuum based solely upon committee recommendations.

Board procedure shall be established as follows:

From its membership, the Board shall appoint a Chair and a Vice-Chair. The Chair of the Membership and Rules Committee shall serve as the Ethics Officer of the Board but may or may not be a member of the Board. The Board shall be governed by this Charter, and otherwise by Roberts Rules of Order. Each Board member shall serve a staggered term (3 to 5 years), as determined by the Membership and Rules Committee. Absent reappointment or a new appointment, Board Members shall continue to serve indefinitely following the end of their term. There shall be no limit on terms of service. Board members may be terminated by the Membership and Rules Committee for reasonable cause. Reasonable cause includes, but is not limited to, the presence of a conflict of interest that cannot be mitigated or if attendance at meetings does not meet standards established by the Membership and Rules Committee. Meetings of the Board shall be held as called by the Collaborative Applicant, and each meeting shall be attended by the Collaborative Applicant. Meetings may be attended either in person, via conference call or via Webinar, and must be called at least seven (7) days in advance unless extenuating circumstances exist. Meetings will be open to the public. Meeting notices shall be distributed to all Continuum members and posted by the Collaborative Applicant on the LHC Continuum of Care website. Board actions shall require a majority vote. In the event that a board majority is not available action may be taken by a quorum of the Board. For the purpose of conducting CoC business a quorum shall be defined as a minimum of 4 board members consisting of the current representatives of The LHA, The Department of Health and Hospitals, The HMIS Lead Agency and at least one other board member. The Chair, or the person acting as Chair, shall only vote in the two following situations:

1. In the event of a tie vote from other board members.
2. In the event that the Chair is serving as a member of the quorum and a quorum vote is required.

## **C. Committees and Subcommittees**

### **General Requirements for All Committees**

While decisions for the Continuum will be made by the Board, the work of the Continuum will generally be carried out by committees and, as appointed by committees, subcommittees. Committee members may be recommended to the Board by Committees themselves, but all Committee appointments shall also be “members” of the Continuum with formal appointment of each by the Board. Board members may also, and are encouraged to, serve on committees. All subcommittee appointments may be made by the appropriate committee. Each committee is responsible for establishing a committee chair and the chair, or his/her designee, must attend all board meetings.

Subcommittees are formulated by committees in order to add specific expertise and to develop special recommendations to the committee. Expertise may come from outside

the Continuum geography, so logically; subcommittee appointments (made by members of each committee) may or may not be members of the Continuum.

Formal Committee meetings must be called and attended by the Collaborative Applicant. The Collaborative Applicant will maintain committee records. With the exception of the Membership and Rules Committee, committees are responsible not for decision-making, but for making recommendations to the Board.

The Board may appoint committees as it deems necessary to carry out the work of the Continuum, but at a minimum, BoS CoC Committees shall include the following:

- Standards, Rating and Project Selection Committee;
- HMIS Committee;
- Membership and Rules Committee; and
- Coordinated Access Committee.

At its discretion, the Board may expand the work of these Committees and/or appoint other Committees with special purposes associated with priorities such as ending chronic, veterans, family and youth homelessness, coordination with educational and family violence providers, etc.

### **1. Standards, Rating and Project Selection Committee**

The Standards, Rating and Project Selection Committee shall be responsible for developing and recommending written standards for all phases of BoS CoC and Emergency Solutions Grants programs for Board approval. In accordance with the goals of the Continuum, these written standards shall prioritize assistance and placement for persons and families who are chronically homeless, persons with disabilities, and persons with the highest number of barriers to placement and stable housing [578.9(2)].

Acting on behalf of the Continuum, and as a part of its duty to “design, operate and follow a collaborative process” in response to a HUD NOFA, the process established by this Committee and due diligence in its implementation shall serve as “approval for submission” of the BoS CoC by the Collaborative Applicant [578.9(a)(1)]. These written standards will be developed in consultation with the Collaborative Applicant, and with stakeholders throughout the Continuum, including Continuum Recipients and sub recipients, shall be updated annually, and shall be approved by the Board [578.7(a)(9)]. Standards shall reflect the goals of the Continuum which are also consistent with the HUD Strategic Plan.

Written standards will be established for all prevention, outreach, shelter, rapid rehousing, transitional, supportive service, and permanent supportive housing programs that serve homeless or near homeless persons in the Continuum [578.7(a)(9)(i-vi)]. Among other requirements, these standards will include criteria for CoC programs, as follows:

- Policies and procedures for evaluating household eligibility;

- Policies and procedures for determining appropriate transitional, permanent supportive (including rapid re-housing), or other housing placement; and
- A rental payment standard for the Continuum’s rapid re-housing programs.

The standards will reflect priority for project type and performance and outcome criteria. Standards shall include scoring criteria for project applications and renewal applications, as well as monitoring criteria and accompanying policy surrounding poor performance to be implemented by the Collaborative Applicant [578.7(a)(6)].

The Standards, Rating and Project Selection Committee shall evaluate the outcomes of ESG and Continuum of Care programs, and as possible other programs within the Continuum, and report those outcomes to the Board, Continuum membership, to HUD, and to others [578.7(a) (7)].

This Committee shall also be responsible for developing the semi-annual “point in time count,” as well as the annual shelter and transitional housing count methodologies. The Committee shall determine gaps in housing and services, consult with ESG entitlements on the allocation of funds [578.7(c)(5)], and develop and implement a rating and selection system for Continuum projects. This Committee, or a subcommittee that it may choose to appoint, is further responsible for review of Continuum of Care applications. The work of this Committee may also include tasks assigned by the Board [578.7(c) (2-3)].

For this Committee, the Membership and Rules Committee shall review all appointments, and direct conflicts of interest will not be allowed. Perceived conflicts of interest will be disclosed and mitigated through a process established by the Membership and Rules Committee.

## **2. Homeless Management Information Systems (HMIS) Committee**

The HMIS Committee will be responsible for assisting the Board with management and oversight of the HMIS Lead and the Continuum’s HMIS implementation. This committee, in consultation with the Collaborative Applicant, and as appropriate, the HMIS Lead, shall have further responsibilities, as follows [578.7(b)]:

- As may be necessary, making recommendations to the Board on changes to the HMIS system, HMIS Lead, and HMIS Applicant utilized by the Continuum;
- Reviewing, revisions and recommendations for a privacy, security, and data quality plan to the Board;
- Monitoring the Continuum’s compliance with HMIS requirements prescribed by HUD [587.7(a)(5)]; and
- Monitoring participation in HMIS by users throughout the Continuum.

## **3. Membership and Rules Committee**

Unlike any of the other committees, the Membership and Rules Committee will act with a great deal of autonomy. It will provide checks and balances for the Continuum and operate with absolute authority over all matters related to:

- Development and operationalizing the Continuum’s “Conflict of interest and recusal policy” [578.7(a)(5)] and process, as required by HUD rule at 24 CFR 578.95 (see Exhibit A). Until the recusal policy is fully developed and operationalized, any Continuum member or subcommittee appointee must disclose any real or perceived conflict of interest. If there is a direct conflict of interest, he/she shall (1) not discuss any matter before the Continuum relating to the conflict, (2) abstain from any voting related to matters subject to the conflict, and (3) leave the room while matters are discussed. This policy shall also include code of conduct provisions for all members. This duty shall also include oversight of implementation, interpretations of policy, etc.;
- The exercise of judgment over the selection of Board members in order to assure that prospective members are qualified,
- Assurance that there is geographical dispersion and diversity among Board members, and
- Ethics and parliamentary procedure while carrying out its duties to provide Board oversight.

The Membership and Rules Committee will have ultimate responsibility for making sure that appointments meet HUD and Continuum rules around diversity in the selection of Board members so that “relevant organizations” will be included.

The Membership and Rules Committee will create criteria for conducting elections of Board Members. The Committee will work with appointing authorities to assure relevance and diversification in Board appointments. It may develop criteria for selection, verify that candidates meet said criteria, and must ratify all appointments. This Committee may serve, as necessary, as a nominating committee for Board appointments, as well as for candidates for election. The Committee shall monitor service by all Continuum and Board members and shall set terms for all Board members. The Committee shall also review, and as necessary, propose revisions to the criteria for Board selection not less than once every five (5) years. Revisions to Board structure must be presented to the Board for approval, and once approved, ratified by a majority vote of membership. The Membership and Rules Committee will act on complaints filed against the Continuum in accordance with 24 CFR 578.7 and 578.9 and report on all complaints and actions to the Board. As necessary, Committee recommendations will be presented to the Board for mitigation. In consultation with the Collaborative Applicant and the HMIS Lead, this Charter shall be updated by the Committee and approved not less than annually by a majority vote of a quorum of the Board. For substantial updates to this Charter, as determined by this Committee, a majority vote of Continuum membership must be obtained.

#### **4. Coordinated Access Committee**

The Coordinated Access Committee will be primarily responsible for identifying and seeking to maximize and coordinate mainstream and homeless services as well as housing resources available for homeless and near homeless persons throughout the Continuum. Together with the Collaborative Applicant, the Committee will develop written standards for assessment and program admissions within the Continuum.

The Committee will develop policy to be approved by the Board and will work to insure that the Continuum's system of care meets the needs of homeless individuals and families by seeking to implement comprehensive prevention, outreach, engagement, assessment, shelter (or other short-term housing), transitional (very limited), and permanent housing strategies throughout its broad geographic area. The group served will also include persons fleeing family violence, including victims of dating or sexual assault, and/or stalking, as well as unaccompanied youth.

This work will include identification of ongoing gaps in housing and service resources, as well as barriers to housing (including barriers to housing choice) and services that limit the ability of homeless persons to access and sustain stable housing. The Committee will work in partnerships with all stakeholders (including educational liaisons, family violence staff, public housing officials, etc.) at local, regional, state and federal levels in order to identify resources to fill identified gaps in housing and services. Specific work of this Committee will center on measures that will enable the Continuum's homeless providers to:

- Implement plans within their programs that will affirmatively further fair housing, per 24 CFR 578.93(c);
- Prevent involuntary separation of families experiencing homelessness within the Continuum; and
- Best collaborate with Louisiana Department of Education officials and with homeless liaisons and others associated with local school systems in order to maximize the availability of HUD McKinney resources for housing and services (including prevention) for families with school age children, as well as to measure the mainstreams services of the school system in order to further stabilize families in housing.

The Committee will recommend (and may oversee the development of) training for continuum providers. It will monitor changes and proposed changes to funding programs and other public assistance at all levels (local, regional, state and federal) for diminished programs and benefits, as well as stricter eligibility requirements that limit access to ongoing benefits that may either (1) limit the Continuum's ability to place and serve homeless persons in stable housing, or (2) lead to further destabilization of fragile populations currently housed.

This Committee will troubleshoot system access issues on a state, local and regional basis, and will coordinate/collaborate closely with the HTPCC. Working closely with the Collaborative Applicant, the Coordinated Access Committee will be responsible for oversight related to meeting the HUD mandate for "coordinated or centralized intake and assessment" [578.7(a)(8)].

#### **D. Collaborative Applicant**

In accordance with HUD's Continuum of Care Interim Rule, the Louisiana Housing Corporation (LHC) or (The Corporation) is designated as the Collaborative Applicant.

The Louisiana Housing Authority (LHA) is a state authority attached to LHC. At its discretion, the Collaborative Applicant shall have the authority to apply for planning funds from HUD. LHC shall provide comprehensive oversight for the Continuum in order to meet HUD's rule for Continuum of Care and to assure that requirements are met for the annual HUD Continuum of Care funding competition. LHC shall collaborate with other Louisiana Continuum and shall provide administrative support for the Board, all Continuum committees, and as otherwise necessary to assure the sound operation of and the success of the Balance of State Continuum of Care. LHC shall work to build awareness for and public/stakeholder confidence in the Continuum and will publicize its work. For the Continuum, LHC will maintain membership lists, conduct membership recruitment campaigns targeted to stakeholders [578.7(a)(2)], publish agendas for membership meetings, and assist the Board in conducting meetings of full membership not less than twice annually [578.7(a)(1)]. LHC shall update and maintain the Continuum's website with meeting notices, a list of Board members, Board meeting minutes, downloads of documents related to Board actions, and other related documents. The website shall also include an open invitation and process for membership.

LHC's work with the Board will include, but will not be limited to, providing or securing meeting space, calling meetings, providing notice to Board/Continuum members and others, technology for web meeting capacity, recordkeeping, assisting the board with draft policies and updates (including updates to this Charter) as directed by the Board, and other duties assigned by the Board or as necessary in order to meet Continuum compliance requirements or other standards established by HUD. LHC shall serve as staff to all Continuum committees, call meetings, develop agendas, keep records of committee meetings, provide technical assistance and monitor recipients of funds, and assist with research and the development of plans and documents for each committee. Working with the Standards, Rating and Project Selection Committee, LHC will seek outside funds for, and will provide staff oversight and training for the semi-annual unsheltered point in time count and the annual shelter survey [578.7(c)(2)].

Working with stakeholders state-wide, regional and local meetings (onsite and/or web-based) as well as attendance at local and regional events, the Collaborative Applicant will provide lead staff for the Continuum's planning. This includes coordination and implementation *"of a housing and service system within its geographic area that meets the needs of the homeless individuals (including unaccompanied youth) and families. At a minimum, such system encompasses the following: (i) Outreach, engagement, and assessment; (ii) Shelter, housing, and supportive services; and (iii) Prevention strategies"* [578.5(c)].

LHC will meet the Continuum's obligations through the HUD rule to coordinate with ESG Entitlements, and to collaborate with and provide information to complete plans for the HUD Consolidated Planning jurisdictions (the city of Lake Charles, and the State) within the Continuum [578.7(c)(4)].

LHC will collect and combine all required application information from projects within the

Continuum, prepare, and submit the annual Continuum application to the Board for approval and then to HUD.

### **E. Homeless Management Information Systems (HMIS) Lead**

The Volunteer Center Southwest Louisiana (The Volunteer Center) or (VCSL) is designated by the Louisiana Balance of State Continuum of Care to operate an HMIS system on its behalf. A representative of The Volunteer Center shall attend all HMIS Committee meetings and coordinate closely with this Committee in all of its work. VCSL shall have the authority to apply for and administer Continuum funds for HMIS in accordance with all HUD requirements. VCSL, in working with the Continuum's HMIS Committee, shall review, revise and approve a privacy, security and data quality plan (or plans) for the Continuum's HMIS.

The Volunteer Center shall exercise required due diligence in order to assure that the Continuum's HMIS is administered in compliance with all present and future HUD requirements, and it shall ensure consistent participation by all HUD McKinney-funded recipients and sub recipients in the Continuum. For non-HUD funded Continuum agencies, VCSL shall work with those agencies as well as their funders to maximize HMIS participation. Lastly, VCSL will work to maximize the use of HMIS data in order to meet the Continuum's obligations through the HUD rule to coordinate with ESG Entitlements and HUD Consolidated Planning jurisdictions within the Continuum.

### **F. Procedural Processes**

By numerical order the work of the Balance of State Continuum of Care shall proceed, as follows:

- 1) LHC shall make Board appointments based on the availability of potential board members.
- 2) Once the Founding Board is in place it shall conduct an initial Board meeting for the purpose of appointing members to the Membership, Rules and Project Selection Committee and approval of the Founding Governance Charter.
- 3) Initial Continuum Membership will be established by LHC based upon full membership meetings.
- 4) Once approved by the board this Founding Governance Charter shall first be posted on the Continuum's website by LHC for review and ratification by a majority vote of Continuum membership.
- 5) The Rules and Membership Committee shall:
  - a) First develop criteria for and approve appointed Board members;
  - b) Develop criteria for approval and for the election of regional Board members;
  - c) Call upon membership for nominees by email notification; and
  - d) Develop a slate of nominees for review by Members.

## Exhibit A

### 24 CFR 578.95 Conflicts of interest.

(a) Procurement. For the procurement of property (goods, supplies, or equipment) and services, the recipient and its subrecipients must comply with the codes of conduct and conflict-of-interest requirements under 24 CFR 85.36 (for governments) and 24 CFR 84.42 (for private nonprofit organizations).

(b) Continuum of Care board members. No Continuum of Care board member may 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.

(c) Organizational conflict. An organizational conflict of interest arises when, because of activities or relationships with other persons or organizations, the recipient or subrecipient is unable or potentially unable to render impartial assistance in the provision of any type or amount of assistance under this part, or when a covered person's, as in paragraph (d)(1) of this section, objectivity in performing work with respect to any activity assisted under this part is or might be otherwise impaired. Such an organizational conflict would arise when a board member of an applicant participates in decision of the applicant concerning the award of a grant, or provision of other financial benefits, to the organization that such member represents. It would also arise when an employee of a recipient or subrecipient participates in making rent reasonableness determinations under §578.49(b)(2) and §578.51(g) and housing quality inspections of property under §578.75(b) that the recipient, subrecipient, or related entity owns.

(d) Other conflicts. For all other transactions and activities, the following restrictions apply:

(1) No covered person, meaning a person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or its subrecipients and who exercises or has exercised any functions or responsibilities with respect to activities assisted under this part, or who is in a position to participate in a decision-making process or gain inside information with regard to activities assisted under this part, may obtain a financial interest or benefit from an assisted activity, have a financial interest in any contract, subcontract, or agreement with respect to an assisted activity, or have a financial interest in the proceeds derived from an assisted activity, either for him or herself or for those with whom he or she has immediate family or business ties, during his or her tenure or during the one-year period following his or her tenure.

(2) Exceptions. Upon the written request of the recipient, HUD may grant an exception to the provisions of this section on a case-by-case basis, taking into account the cumulative effects of the criteria in paragraph (d)(2)(ii) of this section,

provided that the recipient has satisfactorily met the threshold requirements of paragraph (d)(2)(ii) of this section.

(i) Threshold requirements. HUD will consider an exception only after the recipient has provided the following documentation:

(A) Disclosure of the nature of the conflict, accompanied by a written assurance, if the recipient is a government, that there has been public disclosure of the conflict and a description of how the public disclosure was made; and if the recipient is a private nonprofit organization, that the conflict has been disclosed in accordance with their written code of conduct or other conflict-of-interest policy; and

(B) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law, or if the subrecipient is a private nonprofit organization, the exception would not violate the organization's internal policies.

(ii) Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the threshold requirements under paragraph (c)(3)(i) of this section, HUD must conclude that the exception will serve to further the purposes of the Continuum of Care program and the effective and efficient administration of the recipient's or subrecipient's project, taking into account the cumulative effect of the following factors, as applicable:

(A) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;

(B) Whether an opportunity was provided for open competitive bidding or negotiation;

(C) Whether the affected person has withdrawn from his or her functions, responsibilities, or the decision-making process with respect to the specific activity in question;

(D) Whether the interest or benefit was present before the affected person was in the position described in paragraph (c)(1) of this section;

(E) Whether undue hardship will result to the recipient, the subrecipient, or the person affected, when weighed against the public interest served by avoiding the prohibited conflict;

- (F) Whether the person affected is a member of a group or class of persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class; and
- (G) Any other relevant considerations.