

DURHAM/DURHAM COUNTY CONTINUUM OF CARE GOVERNANCE CHARTER

I. BACKGROUND AND OBJECTIVES

Section 1: The McKinney-Vento Homeless Assistance Act formerly provided three separate homeless assistance programs—the Supportive Housing, Shelter Plus Care, and Moderate Rehabilitation/Single Room Occupancy programs. In 2009, Congress amended the McKinney-Vento Homeless Assistance Act with the Homeless Emergency Assistance and Rapid Transition to Housing Act (the “HEARTH Act”). The HEARTH Act consolidated the three separate homeless assistance programs into a single grant program. This new, consolidated grant program is known as the “Continuum of Care Program.”

Section 2: Pursuant to the HEARTH Act, the U.S. Department of Housing and Urban Development (“HUD”) promulgated regulations for the Continuum of Care Program. The regulations, known as the “interim rule,” are codified at 24 C.F.R. § 578 *et seq.* The interim rule sets forth a framework for creating a “local” continuum of care.

Section 3: HUD defines a local continuum of care as a geographically based group of representatives that carries out the planning responsibilities of the Continuum of Care Program and 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.

Section 4: Now, as a requirement of the receipt of federal funding from HUD under the Continuum of Care Program, and pursuant to the HEARTH Act, this Charter establishes a local continuum of care for Durham City and County, North Carolina and formalizes its governance structure. The local continuum of care shall be known as the “Durham City and County Continuum of Care (NC-502).”

II. DEFINITIONS

Applicant: An “applicant” shall mean an “eligible applicant” designated by the Durham City and County CoC to apply for assistance. Applicants are responsible for carrying out the projects that the Durham City and County CoC identifies through its planning responsibilities.

Continuum of Care: The “Continuum of Care” is the group 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, homeless and formerly homeless persons, and any other community stakeholder interested in working to prevent and end homelessness.

Coordinated Assessment System: A “coordinated assessment system” shall mean a centralized or coordinated process designed to coordinate program participant intake assessment and provision of referrals.

Eligible Applicant: An “eligible applicant” shall mean a private nonprofit organization, State, local government, or instrumentality of State and local government.

Fiscal Agent: A “fiscal agent” shall mean a tax-exempt organization in the community selected by the Homeless Services Advisory Committee to administer charitable and other funds on behalf of the CoC.

Homeless Housing Inventory: The inventory of beds and housing units within the CoC that are specifically dedicated for occupancy by persons experiencing homelessness

Homeless Management Information System: A web based community wide common database selected by the CoC for use by organizations operating projects assisting persons who are homeless or at risk of homelessness. The Homeless Management Information System (HMIS) is used as a tool with which the CoC can better understand homelessness in the community and to inform policy and funding decisions.

Homeless Services Advisory Committee (HSAC). The “Homeless Services Advisory Committee” or “HSAC” shall refer to the CoC Board, the decision making body of the Durham City and County CoC.

Homeless Services Provider: A “Homeless Service Provider” shall refer to an organizational member of the Durham City and County CoC that provide services to those experiencing homelessness.

Lead Agency. The “Lead Agency” shall refer to the designated organization (and/or local unit of government) charged with coordinating year-round CoC operations, programming, and services. The Lead Agency provides administrative and meeting support to the CoC, CoC Board (HSAC), and the Standing Committees. The Lead Agency shall also serve as the Collaborative Applicant, the entity designated by the Durham City and County CoC to coordinate and submit Consolidated Continuum of Care Program funding applications to HUD.

Members: A “member” of the CoC shall mean an individual or organization which: (1) is a member of the Homeless Services Advisory Committee; or (2) submits an annual membership agreement to the Durham City and County CoC, attends at least one meetings of the full CoC annually, agrees to complete the CoC orientation within 6 months of joining, and agrees to follow the CoC Policies and Procedures as applicable.

Policies and Procedures: “Policies and Procedures” will refer to any formal bylaws, policies, written standards, and procedures adopted by the HSAC or its Committees on behalf of the Durham City and County CoC.

Program Participant: A “program participant” shall mean an individual or family who is assisted with Durham City and County by a homeless housing provider included as part of Durham’s homeless housing inventory.

Quorum: A “quorum” shall refer to a majority of voting members of a voting body such as the HSAC or Standing Committees.

Recipient: A “recipient” shall mean an applicant that signs a grant agreement with HUD.

Shelter or Housing Provider: A “shelter or housing provider” shall mean a provider of shelter or housing as listed in the CoC’s Housing Inventory Chart (HIC).

Standing Committee. A “Standing Committee” shall refer to the committees of the CoC Board (HSAC) that are tasked with specific roles in the governance of the CoC. The standing committees are (1) the Executive Committee, (2) the Policy and Planning Committee, and (3) the Performance Management Committee.

Subrecipient: A “subrecipient” shall mean a private nonprofit organization, State, local government, or instrumentality of State or local government that receives a subgrant from a recipient to carry out a project.

Interlocal Agreement: The “Interlocal Agreement” shall refer to the City of Durham and County of Durham Interlocal Agreement Regarding Homeless Services dated July 1, 2012.

Written Standards: “Written Standards” will refer to a specific type of Policies and Procedures adopted by the HSAC or one of its Standing Committees for the purpose of setting requirements and expectations for the provision of services to people experiencing homelessness in Durham City and County.

III. CONTINUUM OF CARE MEMBERSHIP

Section 1: Name of the CoC. This Governance Charter (the “Charter”) establishes the name of the Continuum of Care as “Durham City and County Continuum of Care (NC 502)” (hereinafter “CoC”)

Section 2: Purpose of the CoC. The Durham City and County CoC shall be a homeless assistance-planning network, covering Durham City and Durham County (HUD geographic codes 379063 and 370828). The CoC shall be designed to promote a community wide commitment to the goal of preventing and ending homelessness. This goal will be achieved and sustained when data from the Homeless Management Information System (HMIS) confirms that all homeless individuals and families are able to re-enter a permanent housing situation within an average of 30 days of becoming homeless as defined by HUD. The Durham City and County CoC is designed to: (1) advise funding decisions made within the community for efforts to serve homeless individuals and families by nonprofit providers, State and local governments, and others; (2) determine funding and service priorities for resources; (3) promote access to and effective utilization of mainstream assistance programs by individuals and families experiencing homelessness; and (4) optimize self-sufficiency among individuals and families experiencing homelessness.

Section 3: Membership Composition. Members may include but are not limited to currently or formerly homeless individuals not currently employed by an organizational CoC member or organizations or nonprofit agencies, including homeless service 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 that these groups are represented in the CoC’s geographic area. Those organizations or individuals who are members of the Homeless Services Advisory Committee (HSAC) governed by the City of Durham and County of Durham Interlocal Agreement Regarding Homeless Services dated July 1, 2012 (hereinafter “Interlocal Agreement”) shall become members of the Durham City and County CoC by virtue of adherence to the Interlocal Agreement.

Section 4: New Members. Individuals and organizations may join the Durham City and County CoC by completing a Durham CoC membership agreement.

Section 5: Membership Agreement. In order to gain and retain CoC Membership, a membership agreement must be completed annually. In the membership agreement, applicants will designate (1) Membership type (Individual or Organization), (2) Voting representative(s) and alternate (for organizations only), (3) Organization type(s), and (4) Contact information. Applicants will also agree to (1) Attend at least one full CoC meeting annually, (2) Send all voting members and alternates to CoC orientation within six months of gaining new membership, and (3) Follow CoC Policies and Procedures as applicable.

Section 6: Organizational Membership Types. Organizations that provide services to those experiencing homelessness will be defined as Homeless Service Providers and must follow the CoC Policies and Procedures as they apply to the specific types of homeless services and program(s) offered. Organizations that fund homeless services will be defined as Funders and must require funded homeless service providers to follow CoC Policies and Procedures as they apply to the specific type(s) of homeless services and program(s) funded. Organizational members may be defined in one or both of these categories. Other community organizations interested in the goals of the CoC who do not fit into either above category will be defined as a Community Partner and will be required to follow the expectations of CoC Members listed in the Membership Agreement and as outlined in Section 5 of this Charter.

Section 7: Amendment of Governance Charter. The CoC Membership will vote annually to ratify changes and updates to the CoC Governance Charter as recommended by the Executive Committee. Notice of any amendment of the charter must be presented in writing to the full CoC membership ten days before the meeting at which the said amendment will be voted upon.

Section 8: Member Rights. CoC Members shall have a single vote per member which, in the case of organizational members, may be made by an organization’s designated voting representative(s) or alternate. No member may vote more than one time in any given vote.

Section 9: CoC Meetings of the Full Membership. Meeting of the full membership of the CoC shall be held at least two times per year, with regular published agendas. Meetings shall be open to the public.

Section 10: Work Groups. The CoC Board shall appoint workgroups to assist the Durham City and County CoC in fulfilling its objectives. The CoC Board may disband work groups that it has previously appointed.

Section 11: Conflict of Interest. All HSAC members and HSAC Standing Committee Members (HSAC members and non-HSAC members) shall sign the CoC conflict of interest statement annually to be retained by the Lead Agency.

Section 12: Dues. CoC Membership shall be free to all CoC members.

Section 13: Consolidated Plan. The Lead Agency will provide all information require to complete the Durham City and County Consolidated Housing and Community Development Plan(s) and any other Consolidated Plan(s) within the Continuum's geographic area.

IV. CONTINUUM OF CARE BOARD

Section 1: Name of the Board. The Durham City and County CoC shall be governed by the Durham Homeless Services Advisory Committee, hereinafter “HSAC” to act on behalf of the Durham City and County CoC as its decision-making body as authorized herein.

The HSAC shall be governed by the Interlocal Agreement in carrying out its task to provide oversight and governance to the Durham City and County CoC.

Section 2: Governance Committees. The CoC Board has three standing committees tasked with specific roles in the governance of the CoC. Some of the CoC Board's responsibilities are delegated to these committees. The standing committees are (1) the Executive Committee, (2) the Policy and Planning Committee, and (3) the Performance Management Committee. Membership on standing committees, with the exception of the Executive Committee, is comprised of members of the CoC Board nominated by the Executive Committee, appointed by the HSAC, and CoC liaisons appointed by the Executive Committee to comprise up to one third of the membership of each committee. Those eligible to serve as liaisons include individual CoC members and individuals serving as a representative of a CoC organizational member. Liaisons serve two-year terms and may not serve two terms consecutively. With the exception of the Executive Committee, each Governance Committee shall have a Chairperson appointed by the Chairperson of the HSAC and a Secretary elected by the members of each respective Governance Committee. Governance committee secretaries are responsible for keeping minutes and attendance for each governance committee meeting including a record of the results of any vote held during the meeting. Committee members who accumulate three unexcused absences on a single committee in a one-year period may be asked by the Committee Chairperson to step down from the committee. Executive Committee is comprised of the HSAC Chairperson, Vice Chairperson, Secretary, and Standing Committee Chairpersons. The Secretary of the HSAC shall fulfill the duties of a standing committee secretary on behalf of the Executive Committee. The Governance Committees meet at least monthly. Committee decisions are made by a simple majority vote of present members so long as a quorum of members is present.

Section 3: Subcommittees Through a simple majority vote, the standing governance committees may appoint subcommittees or workgroups to advise on a specific issue within the scope of responsibilities of the appointing committee. In appointing a subcommittee, the appointing committee may either appoint the Chairperson alone, allowing the Subcommittee Chair to oversee subcommittee membership, or may instead appoint all subcommittee members, with additional prospective members needing approval by the appointing committee. Subcommittees must report back to the committee by which they were appointed at least every three months. A committee may disband subcommittees that it has previously appointed.

Section 5: Responsibilities of the CoC Board. The purpose of the HSAC is to implement the vision of the Durham City and County Continuum of Care by overseeing implementation of the strategic initiatives and investments of the CoC. The HSAC may vote to delegate any of its responsibilities to a governance committee and may reverse any decision to delegate its responsibilities by subsequent vote. The responsibilities of the HSAC include:

- a. **CoC Collaborative Applicant.** The HSAC shall designate an entity to serve as the Collaborative Applicant empowered to submit funding applications for Continuum of Care and Emergency Solutions Grants on behalf of the Durham CoC.
- b. **Meetings.** The HSAC shall hold at least two joint meetings annually of the full membership of the Durham City and County CoC, with published agendas. The Chairperson of the HSAC may call additional joint meetings as needed of the full CoC membership by providing notice of such meetings at least ten days in advance, including the time, place and agenda of the meeting.
- c. **Officers.** The HSAC shall appoint its leadership and officers consistent with the composition and terms outlined in the Interlocal Agreement.
- d. **Community Vision.** The HSAC shall at least once every five years review and approve, per recommendation by the Policy and planning Committee, a plan of addressing identified needs or gaps in the system-wide response to the needs of residents who experience homelessness or a housing crisis in Durham City and County.
- e. **Assessment System.** The HSAC shall, in consultation with service providers included in Durham's Homeless Housing Inventory, establish and operate a centralized or coordinated assessment system that provides an initial, comprehensive assessment of the needs of individuals and families for housing and services. The HSAC shall also 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.
- f. **Prioritization Standards.** The HSAC shall establish and follow Written Standards for system wide prioritization of supportive housing services. These standards shall include policies and procedures for: (1) evaluating individuals' and families' eligibility for assistance; (2) determining and prioritizing which eligible individuals and families will receive transitional housing assistance; (3) determining and prioritizing which eligible individuals and families will receive rapid re-housing assistance; (4) determining what percentage or amount of rent each program participant shall pay while receiving rapid re-housing assistance; and (5) determining and prioritizing which eligible individuals and families will receive permanent supportive housing assistance.
- g. **Program Standards.** The HSAC shall establish, per recommendation from the Policy and Planning Committee, written standards for the delivery of homeless services among CoC member organizations.
- h. **Funding Decisions.** The HSAC shall review and approve recommendations made by the Performance Management Committee for Continuum of Care and Emergency Solutions Grant funding recommendations and make final funding recommendations.
- i. **Funding Priorities.** The HSAC shall, with consideration of recommendations made by the Policy and Planning Committee, approve annually priorities for use of Emergency Solutions Grants and any new or reallocated funds available through the CoC Homeless Grants Competition.
- j. **Direction of Committees and Lead Agency.** The HSAC shall, and as determined necessary by the HSAC, direct its committees and the Lead Agency to review and address specific issues and questions related to homelessness in the City and County of Durham, including but not limiting directing its committees to develop and, as deemed appropriate by the HSAC, approve specific policies to address issues determined by the HSAC to be high priority for the CoC.
- k. **Advisory Capacity.** The HSAC will serve as the advisory committee to local officials, policymakers, and funders of homeless services on policies, strategic objectives, and priorities related to homelessness in Durham City and County.

Section 6: Responsibilities of the Executive Committee. The purpose of the Executive Committee is to oversee the development and implementation of Policies and Procedures related to the structure and functioning of the CoC and the HSAC. The responsibilities of the Executive Committee include:

- a. **Review of Governance Charter.** The Executive Committee will review the CoC Governance Charter at least annually, including a review of compliance with HUD standards. Upon review of the CoC Governance Charter, the Executive Committee will draft any necessary revisions to the CoC Governance Charter for approval by the CoC Membership.
- b. **HMIS Lead Organization.** The Executive Committee, on behalf of the Durham CoC, will partner with other interested CoCs in North Carolina to jointly designate an HMIS Lead Agency, which will operate a joint HMIS and be the single eligible applicant to manage the HMIS. An HMIS leadership body comprised of one or more representatives from each participating CoC will be established, according to the governing document of the joint HMIS implementation. The Executive Committee shall designate one or more representative(s), according to the governing document of the joint HMIS implementation, from the Durham CoC to serve on the HMIS leadership body.
- c. **Recruitment and Outreach.** The Executive Committee will ensure that at least annually, a public invitation to join the Durham City and County CoC will be made on behalf of the CoC Board.
- d. **Collaborative Application.** The Executive Committee will work with the Lead Agency to develop and review the strategy and process for writing and seeking input on the Collaborative Application.
- e. **CoC Structure and Functioning.** The Executive Committee will oversee the development and implementation of CoC and HSAC Policies and Procedures not delegated to other Standing Committees and will oversee the implementation of HSAC and CoC membership requirements and recruitment and the functioning of Standing Committees. The Executive Committee shall establish and have published meeting schedule and agendas for the meetings of the HSAC and of the Durham City and County CoC. Special meetings will be scheduled as needed.
- f. **Structure and Functioning of Standing Committees.** The Executive Committee will oversee the structure and functioning of the Standing Committees to ensure consistency with the CoC Governance Charter. On a biannual basis, the Executive Committee shall solicit applications for and appoint to serve on the Policy and Planning Committee and the Performance Management Committee CoC Liaisons to comprise up to one third of the membership of each committee, at least one of whom shall work for a CoC member organization providing direct services to people experiencing homelessness. CoC Liaisons must adhere to the same conflict of interest standard as that used for HSAC members. At the discretion of the Executive Committee, liaisons may be removed or replaced should it be determined that they 1) have a conflict that prevents them from serving on the committee, 2) have had three (3) or more unexcused absences within a one-year period of time, or 3) are no longer a CoC member or no longer represent an organizational CoC member.

Section 7: Responsibilities of the Policy and Planning Committee. The purpose of the Policy and Planning Committee is to analyze system performance for the CoC, to work in collaboration with the Lead Agency to develop strategic priorities and policies for the improvement of CoC performance, and to advise local officials, policymakers, and funders of homeless services on policies, strategic objectives, and priorities related to homelessness in Durham City and County.

- a. **Gaps Analysis.** The Policy and Planning Committee shall develop and oversee the implementation of a plan for conducting an annual gaps analysis of the homeless needs and services available within Durham City and County. Each year the gaps analysis shall include an assessment of specific service gaps for two of the key sub-populations as designated by HUD in the Collaborative Application, with the goal of varying the sub-populations of focus between years so that over a five-year period each sub-population is included in the gaps analysis at least one time.
- b. **Community Vision.** The Policy and Planning Committee shall at least once every five years evaluate the system-wide response to the needs of residents who experience homelessness or a housing crisis in Durham City and County and develop a plan of addressing identified needs or gaps to be reviewed and adopted by the HSAC.
- c. **Survey of Homelessness.** The Policy and Planning Committee shall develop and oversee the implementation of a plan for conducting annually and within HUD guidelines, a point-in-time count of homeless persons within Durham City and County.
- d. **System Performance.** The Policy and Planning Committee will set system performance standards for the CoC, evaluate system performance against those standards, and report to the HSAC at least annually on key findings and recommendations regarding system performance.
- e. **Policy Development.** The Policy and Planning Committee, in collaboration with the CoC Lead Agency, will develop CoC Policies and Procedures per the direction of the HSAC, including but not limited to written standards for the delivery of homeless services among CoC member organizations.
- f. **Joint HMIS Policies & Procedures.** The Policy and planning Committee shall jointly review, revise, and approve a privacy plan, security plan, and data quality plan for the HMIS.
- g. **Funding Priorities.** The Policy and Planning Committee shall develop and oversee the implementation of a plan for consulting with State and local government Emergency Solutions Grant recipients, CoC Funding recipients, and other CoC members within Durham City and County on the plan for allocating Emergency Solutions Grant and Continuum of Care funds. The Policy and Planning Committee shall develop recommendations, for review and approval by the HSAC, for Emergency Solutions Grant and Continuum of Care funding priorities. The Policy and Planning Committee shall advise the HSAC on recommendations to the Lead Agency on the application for and expenditure of HUD CoC and Emergency Solutions Grant funds dedicated within the City and County of Durham.

Section 8: Responsibilities of the Performance Management Committee. The purpose of the Performance Management Committee is to review and set standards for the delivery of homeless services and for data management related to homeless populations and services, evaluate the implementation of CoC Policies and Procedures, and provide guidance to the HSAC regarding funding recommendations.

- a. **Performance Standards and Monitoring.** The Performance Management Committee shall develop and oversee the implementation of a plan for consulting with State and local government Emergency Solutions Grants program recipients

and other CoC members within Durham City and County on the plan for reporting on and evaluating the performance of Emergency Solutions Grant and CoC Funding recipients and subrecipients. The Performance Management Committee, in partnership with the Lead Agency, shall consult with recipients and subrecipients of federal funding for homeless programs to establish performance measures and targets appropriate for the population and project type, and project evaluation tools. The Performance Management Committee, in partnership with the Lead Agency, shall also monitor recipient and subrecipient performance on these measures, evaluate outcomes, and review and approve performance improvement plans for those projects that are underperforming on the established targets. Recipients of Continuum of Care and Emergency Solutions Grant funding must submit for review all project documentation requested by the Performance Management Committee for monitoring purposes. The Performance Management Committee may recommend reallocation of funding from projects that fail to meet the CoC's established performance standards.

- b. Implementation Evaluation.** The Performance Management Committee shall, on an at least annual basis, review, evaluate, and report to the full HSAC on the implementation of CoC Written Standards for Organizational Members designated as Homeless Service Providers or Funders. As needed based on evaluation findings, the Performance Management Committee will instruct the CoC Lead Agency on action to address findings and make recommendations to the HSAC on additional necessary action.
- c. Outcome Evaluation.** The Performance Management Committee, in partnership with the Lead Agency, shall evaluate outcomes of projects included as part of Durham's Homeless Housing Inventory.
- d. HMIS Implementation.** The Performance Management Committee shall ensure consistent participation in the HMIS of recipients and subrecipients of public funds used to address homelessness, and ensure that the HMIS is administered in compliance with requirements prescribed by HUD.
- e. Grant Amendments.** The Performance Management Committee must approve any proposed grant agreement amendments before any Applicant submits such a request for an amendment to HUD.
- f. Funding Decisions.** The Performance Management Committee shall review and recommend to the HSAC Continuum of Care and Emergency Solutions Grant funding decisions prior to such recommendations being submitted to the Lead Agency.

Section 9: Membership of the Board. Composition of the membership of the board shall be that which is outlined in the Interlocal Agreement

Section 10: Leadership of the Board. Leadership of the board and officer designations shall be that which is outlined in the Interlocal Agreement

Section 11: Terms of Office. Terms of office of board members shall be that which is outlined in the Interlocal Agreement

Section 12: Board Member Qualifications. Terms of office of board members shall be that which is outlined in the Interlocal Agreement

Section 13: Board Member Responsibilities. Terms of office of board members shall be that which is outlined in the Interlocal Agreement

Section 14: Board Member Selection. Terms of office of board members shall be that which is outlined in the Interlocal Agreement

Section 15: Board Member Termination. Terms of office of board members shall be that which is outlined in the Interlocal Agreement

V. Records and Notices.

Section 1. Records. The charter, records of membership, meeting minutes, policies, and other records of the CoC shall be maintained by the Lead Agency. The records shall be maintained at such party's offices and through its resources.

Section 2. Contacts. The official contact for any business of the CoC, shall be the Chairperson of the HSAC. Notices may be sent to Chairperson, Homeless Services Advisory Committee, c/o City of Durham, 101 City Hall Plaza, Durham, North Carolina, 27701.

Section 3. Notices. Unless otherwise designated through this charter or by CoC action, official notices required under this charter shall be sent by the Lead Agency.