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.

Collaborative Applicant: A "collaborative applicant" shall mean a particular "eligible applicant" designated by the Durham City and County CoC to coordinate and submit Consolidated Continuum of Care Program funding applications to HUD. The Collaborative Applicant shall apply for any grant for HUD Continuum of Care Program planning funds on behalf of the CoC. The present Collaborative Applicant currently designated by the CoC is the City of Durham.
**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.

**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 a membership agreement to the Durham City and County CoC and attends bi-annual meetings of the full CoC and participates in at least one subcommittee of the Homeless Services Advisory Committee.

**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.

**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).

**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.
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 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 individuals 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 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. Additional members may join the Durham City and County CoC by completing a Durham CoC membership agreement.

Section 5: Recruitment and Outreach. At least annually, a public invitation to join the Durham City and County CoC will be made by the CoC Board. This invitation shall be issued in September each year.

Section 6: Decision Making. The CoC Membership will review and update the CoC Governance Charter annually. The HSAC, or a subcommittee thereof, shall review this Governance Charter annually and recommend amendments as necessary. This Governance Charter may be amended by a two-thirds vote of CoC members present. Notice of any amendment of the charter must be presented in writing to the full CoC membership ten (10) days before the meeting at which the said amendment will be
Section 7: Member Rights. CoC Members shall have a single vote per member. A single organization with greater than two individual members of the CoC shall be limited to a maximum of two votes.

Section 8: 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 9: Committees & Workgroups. The CoC Board shall appoint committees, subcommittees, or workgroups to assist the Durham City and County CoC in fulfilling its objectives.

Section 10: Conflict of Interest. All CoC members (HSAC members and non-HSAC members) shall sign the CoC conflict of interest statement annually to be retained by the CoC Collaborative Applicant.

Section 11: Dues. CoC Membership shall be free to all CoC members.

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: Responsibilities of the CoC Board. Per the Interlocal Agreement, 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 responsibilities include:

a. HMIS Lead Organization. The HSAC shall designate an HMIS Lead Organization who shall be the single eligible applicant to manage the HMIS. The HMIS Lead may contract with another organization or organizations to administer the HMIS.

b. HMIS Governance Committee Representatives. The HSAC shall designate a representative and an alternative representative from the CoC to the Statewide HMIS Governance Committee

c. 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 to HUD on behalf of the Durham CoC.
d. Meetings. The HSAC in partnership with the Council to End Homelessness in Durham shall hold at least two joint meetings annually of the full membership of the Durham City and County CoC, with published agendas. The Chairpersons of the HSAC or CEHD 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.

e. Consultation and Monitoring. The HSAC, in partnership with the Collaborative Applicant, shall consult with recipients and subrecipients of federal funding for homeless programs to establish performance measures and targets appropriate for the population and program type. The HSAC, in partnership with the Collaborative Applicant, shall also monitor recipient and subrecipient performance on these measures, evaluate outcomes, and develop performance improvement plans for those programs that are underperforming on the established targets. Recipients of Continuum of Care and Emergency Solutions Grant funding must submit for review all documentation as requested to the HSAC for all funding draws and program monitoring.

f. Outcome Evaluation. The HSAC, in partnership with the Collaborative Applicant, shall evaluate outcomes of projects included as part of Durham’s Homeless Housing Inventory.

g. 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.

h. 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.

i. Written Plan. The HSAC shall develop a written plan that includes: (1) coordinating the implementation of a housing and service system within Durham City and County that meets the needs of the homeless individuals and families; (2) planning for and conducting annually and within HUD guidelines, a point-in-
time count of homeless persons within Durham City and County; (3) conducting an annual gaps analysis of the homeless needs and services available within Durham City and County; (4) providing information required to complete the Durham City and County Consolidated Housing and Community Development Plan(s); and (5) consulting with State and local government Emergency Solutions Grants program recipients within Durham City and County on the plan for allocating Emergency Solutions Grants program funds, and reporting on and evaluating the performance of Emergency Solutions Grants program recipients and subrecipients.

j. Funding Decisions. The HSAC shall review Continuum of Care and Emergency Solutions Grant funding recommendations made by a panel designated by the HSAC prior to such recommendations being submitted to the Collaborative Applicant for consideration of submission to HUD. The HSAC must approve any proposed grant agreement amendments before any Applicant submits such a request for an amendment to HUD.

Section 3: Membership of the Board. Composition of the membership of the board shall be that which is outlined in the Interlocal Agreement

Section 4: Leadership of the Board. Leadership of the board and officer designations shall be that which is outlined in the Interlocal Agreement

Section 5: Terms of Office. Terms of office of board members shall be that which is outlined in the Interlocal Agreement

Section 6: Board Member Qualifications. Terms of office of board members shall be that which is outlined in the Interlocal Agreement

Section 7: Board Member Responsibilities. Terms of office of board members shall be that which is outlined in the Interlocal Agreement

Section 8: Board Member Selection. Terms of office of board members shall be that which is outlined in the Interlocal Agreement

Section 9: Board Member Termination. Terms of office of board members shall be that which is outlined in the Interlocal Agreement

Section 10: Board Meeting Proceedings. The HSAC shall establish a published meeting schedule for the meetings of the Durham City and County CoC. Meetings are held monthly on the 4th Wednesday of the Month. Special meetings will be scheduled if needed for priority items that need a vote. No meeting will be scheduled in July.

Section 11: Funding. The HSAC shall provide recommendations to the Collaborative Applicant on the application for and expenditure of HUD CoC and Emergency Solutions Grant funds dedicated within the City and County of Durham.
Section 12: Community Vision. The HSAC shall at least once every five years evaluate the system-wide response to the needs of residents who experience homelessness or a housing crisis and develop a plan of addressing identified needs or gaps.

V. HOMELESS MANAGEMENT INFORMATION SYSTEM GOVERNANCE

Section 1: Joint HMIS. The Durham CoC will partner with all other CoC’s across the state of North Carolina to jointly designate an HMIS Lead Administrator and operate a joint HMIS system. A statewide Governance Committee comprised of a designee from each North Carolina CoC will be established.

Section 2: Joint HMIS Decision Making Structure. The HSAC shall designate a representative from the Durham CoC to serve on the statewide HMIS Governance Committee.

Section 3: Joint HMIS Policies & Procedures. The Durham CoC shall jointly review, revise, and approve a privacy plan, security plan, and data quality plan for the HMIS. The HSAC shall also ensure consistent participation of recipients and subrecipients in the HMIS, and ensure the HMIS is administered in compliance with requirements prescribed by HUD.

Section 4: Roles & Responsibilities of all Stakeholders. The statewide Governance Committee will establish written roles and responsibilities for all stakeholders including:

a. CoC’s
b. HMIS Leads
c. Homeless Housing Provide Organizations
d. End Users
e. NC HMIS Governance Committee Members

VI. COMMUNITY RATINGS PANEL

Section 1: Definition. An unbiased “Community Ratings Panel” (also hereinafter “panel”) shall be established to review funding applications and make funding recommendations for review by the HSAC.

Section 2: Composition. The Community Ratings Panel for the Durham CoC shall consist of the membership of the Citizens Advisory Committee (CAC) from the City of Durham.

Section 3: Funding Source(s). The CAC will review all Continuum of Care and Emergency Solution Grant Project Applications.

Section 4: Funding Recommendation Procedure. The CAC shall schedule meetings as needed to develop funding recommendations in a timely manner to meet funding deadlines. Upon development of funding recommendations, the panel chair or vice chair shall provide such recommendations to the HSAC for approval. Once approved by the
HSAC, the funding recommendations shall be presented to the Collaborative Applicant for its consideration and submission to HUD. Staff support for the CAC shall be provided by the agency serving as the Collaborative Applicant on behalf of the Continuum of Care.

VII. 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 Collaborative Applicant or other party designated by the Administrator. 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, unless otherwise specified in this charter, 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 Collaborative Applicant or other party designated by the Administrator.