

# **PA-504 Montgomery County Continuum of Care for Homeless Services Governance Charter**

**A Function of Your Way Home Montgomery County**

**Adopted:** December 16, 2014

**Revised:** March 8, 2017

# **PA-504 Montgomery County Continuum of Care for Homeless Service Governance Charter**

## **I. Defining the Montgomery County Continuum of Care for Homeless Services, a Function of Your Way Home Montgomery**

A. Vision. The vision of Your Way Home Montgomery County is to make the experience of homelessness in Montgomery County, Pennsylvania rare, brief and non-recurring.

B. Mission. The mission of Your Way Home Montgomery County is to improve the housing stability, economic security and health of all Montgomery County residents. The specific mission of the Montgomery County Continuum of Care for Homeless Services (CoC) is to address the problem of homelessness by identifying needs and building a system of housing and services to address those needs.

C. Geographic Area. The geographic area defined as the “Montgomery County Continuum of Care for Homeless Services” is the entirety of Montgomery County, Pennsylvania, which is CoC number PA-504, called by HUD “Lower Merion/Abington/Norristown/Montgomery County CoC (PA-504).”

D. Accountability Structure. The Montgomery County Continuum of Care for Homeless Services (CoC) is an unincorporated core component of Your Way Home Montgomery County (YWH). CoC activities are reported to the YWH Advisory Council by the CoC Governance Team member appointed by the Advisory Council. The Advisory Council is comprised of representatives from public, nonprofit and private partners that guide Your Way Home funding, policy and strategy decisions to ensure effective stewardship of public and private investments.

YWH is managed by an Operations Team staffed by the Montgomery County Department of Health and Human Services’ Office of Housing and Community Development with guidance from the YWH Advisory Council and the CoC Governance Team. The Office of Housing and Community Development is accountable to the Montgomery County Board of Commissioners, Pennsylvania Department of Community and Economic Development, and the United States Department of Housing and Urban Development (HUD). Proposed applications from the CoC to HUD for CoC funding are reviewed by the County Commissioners for approval before submission to HUD.

## **II. Purpose of the Governance Charter**

This Governance Charter stipulates the responsibilities, membership, code of conduct, and meetings of Your Way Home’s Homeless Continuum of Care (CoC), establishes the CoC Governance Team which acts as the Board of the CoC, establishes Special Action Teams, and states the procedures for Charter approval, review, and amendment. The Charter of the Homeless Management Information System is

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appended to this Charter.

### **III. Responsibilities of the Montgomery County Continuum of Care for Homeless Services.**

Each item in this section is mandated by the United States Department of Housing and Urban Development for every Homeless Continuum of Care. This section summarizes but does not replace CoC responsibilities as required, expected, and stated by HUD in the HEARTH Act of 2009 and CoC Interim Rule 24 CFR Part 578, effective August 30, 2012.

- A. Establish the CoC, define its geographic scope, establish a Governance Team which acts as the Board of the CoC, and authorize the Governance Team to act on behalf of the CoC.
- B. Operate the CoC by holding regular meetings, soliciting membership, electing a Governance Team to be the Board of the CoC, appointing action teams to carry out CoC activities, and annually reviewing this Governance Charter.
- C. Develop written standards, policies, and procedures as necessary to carry out other CoC activities in accordance with HUD requirements and to address, alleviate, and end homelessness. Such written standards, policies, and procedures may include but are not limited to CoC application procedures, program monitoring procedures, policies and procedures for program review and ranking, CoC grant budget changes or reallocations, procedures for the annual point-in-time count of people experiencing homelessness, centralized intake and assessment, policies for families and individuals fleeing domestic violence, and HMIS user policies and procedures.
- D. Apply for CoC funds through a collaborative process that establishes funding priorities, ranks applications, and approves submission of applications in response to HUD's CoC Notice of Funding Availability (NOFA).
- E. Monitor and evaluate performance of the CoC and of recipient and subrecipient programs, and report outcomes to HUD.
- F. Designate a single Homeless Management Information System (HMIS), review and approve HMIS plans, ensure participation of CoC recipients and subrecipients in HMIS, and ensure that HMIS is administered in compliance with HUD requirements.
- G. Undertake planning activities, including participating on the YWH Advisory Council, as well as YWH Advisory and Action Teams; coordinating implementation of a housing and service system; conducting point-in-time counts of people experiencing homelessness; annually analyzing gaps in meeting needs of people who are homeless; providing information to Montgomery County and municipalities within the County

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required for their Consolidated Plans; and, consulting with the County Office of Housing and Community Development on its plan for allocating and evaluating Emergency Solutions Grants.

H. The CoC works in coordination with the broader Your Way Home system, including recipients of Emergency Solutions Grants, to establish and operate a centralized or coordinated assessment system.

I. Retention of responsibilities. The Montgomery County Homeless CoC retains all of its responsibilities, including but not limited to approval of the CoC funding application.

### **IV. Collaborative Applicant.**

The Montgomery County Continuum of Care for Homeless Services designates the Montgomery County Office of Housing and Community Development as its Collaborative Applicant to the Homeless Continuum of Care program of the United States Department of Housing and Urban Development (HUD), with full responsibility for ensuring the timeliness, completion, and accuracy of CoC applications, and for ensuring full compliance with all pertinent HUD regulations during the application process, including but not limited to approval of CoC applications by the Montgomery County CoC membership. The Collaborative Applicant may also apply directly to HUD for CoC planning funds. The actions and decisions of the Collaborative Applicant are accountable to the Montgomery County CoC and its Governance Team.

### **V. Homeless Management Information System (HMIS) Lead Agency.**

The Montgomery County Continuum of Care for Homeless Services designates the Montgomery County Department of Housing and Community Development to have full responsibility for selection, administration, training, and any and all other activities necessary to implementation of a single CoC-wide HMIS. The HMIS Charter is appended to this Governance Charter.

### **VI. Membership**

#### **A. Membership Defined**

1. Continuum of Care recipient and subrecipient organizations. Each organization that is a recipient or subrecipient of CoC or Emergency Solutions Grant (ESG) funds is a member of the Montgomery County Continuum of Care for Homeless Services, and therefore retains voting rights (Section VI.C.) and is subject to the Code of Conduct (Section VII).

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2. Continuum of Care non-recipient organizations or individuals. Non-recipient organizations and interested unaffiliated individuals are welcome to join the Montgomery County Homeless CoC. As a county-wide system, the CoC needs, expects, and welcomes membership from all non-profit homelessness assistance providers, and from victim services providers, faith-based organizations, governments, businesses, advocates, Montgomery County Public Housing Authority, school districts, social services providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, organizations serving veterans, homeless or formerly homeless individuals, and any other entity or person concerned about addressing and ending homelessness in Montgomery County.

3. Registration. Each CoC recipient and subrecipient organization and each non-recipient organization or individual that desires to become a member of the Montgomery County Homeless CoC must register with the CoC. Registration includes but is not limited to contact information for all organizational representatives, and designating one person or position to cast votes on behalf of the organization. Registration confers voting rights on the organization or individual (Section VI.C.) and subjects the organization or individual to the Code of Conduct (Section VII). Registration will be staffed by Your Way Home unless designated otherwise by the Governance Team; the registrar will report the list of members periodically to the Governance Team (Section IX).

4. All members are subject to the Code of Conduct (Section VII).

B. Solicitation of New Members. New members shall be invited to join the Montgomery County CoC annually through widespread public communication prior to the Annual Summit of Your Way Home Montgomery County. The Governance Team, or its designated Action Team, shall review membership at least annually to ensure that as many organizations or individuals as possible of those listed in Section A.2. are CoC members, with targeted outreach as necessary to expand the scope and diversity of CoC membership. In particular, targeted outreach shall be done at least annually to persons currently or formerly experiencing homelessness.

C. Voting Rights. Each member organization has one vote. The organization's vote shall be cast by the individual or position designated by the organization at the time of registration of membership in the CoC (Section VI.A.3), unless the organization has changed its designated voter by notification to Your Way Home or other registrar designated by the Governance Team. An organization may argue a special exception and appeal this one organization-one vote rule to the Governance Team prior to a meeting where voting will be conducted; the Governance Team will render its decision prior to the meeting.

An unaffiliated individual member has one vote.

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1. Mode of voting. A vote of the Montgomery County CoC may be taken during a Community Update meeting, special CoC meeting, or electronically.

2. Majority rule. The vote shall be carried by simple majority, unless the Governance Team notifies the CoC prior to votes being cast of a different margin for approval, such as a supermajority (two-thirds majority).

D. Matters Requiring a Vote of the Montgomery County CoC. A vote of the entire CoC is required to approve or amend the Governance Charter, to approve a Unified Funding Agency, to elect the Governance Team, to approve the application to the United States Department of Housing and Urban Development (HUD) for CoC funding, for decision making on any other matter about which HUD mandates a full CoC vote, and for decision making on any other matter about which the Governance Action Team deems appropriate or necessary for a full CoC vote.

E. Communication with Members. The Governance Team shall ensure appropriate communication with CoC members and prospective members, including but not limited to information about voting rights (Section VI.C.) and the Code of Conduct (Section VII), through the regular communications procedures of Your Way Home.

### **VII. Code of Conduct**

#### **A. Conflict of Interest Policy**

1. Conflict of interest defined. A conflict of interest is deemed to exist when the activities of an organization's representative during formal or informal CoC meetings or events, especially voting, monitoring, performance review, project ranking, and discussion about motions or matters which may be moved for a vote, have a direct or indirect bearing upon that organization's financial or funding status or upon that representative's personal financial status, or when for any other reason the organization's representative cannot be impartial. A conflict of interest is always deemed to exist when the organization's representative is an employee, member of the board of directors, regular volunteer, or a family member of an employee or board member of the organization.

2. To whom it applies. The Conflict of Interest Policy applies to every member of the Montgomery County Continuum of Care for Homeless Services.

3. Disclosure. It is incumbent upon the CoC member with a conflict of interest to disclose such conflict of interest immediately to the people present at the CoC meeting or event where the conflict emerges. If the conflict of interest is known prior to a meeting or event, disclosure can be orally or in writing directed to a Co-Chair of the CoC Governance Team. Minutes of a formal meeting must include conflict of interest

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disclosure.

4. **Recusal.** Any CoC member with a conflict of interest is recused from participating in pertinent activities including but not limited to voting, monitoring any recipient or subrecipient organization, performance review of any recipient or subrecipient organization, project ranking of any recipient or subrecipient organization, and discussion. Recusal shall be recorded in minutes of formal CoC meetings. However, the conflict of interest is not considered significant and no recusal is necessary if agreed upon by a two-thirds majority of those present.

5. **Consequences of lack of disclosure.** If a Co-Chair of the CoC Governance Team discovers an undisclosed conflict of interest, the Governance Team shall determine consequences, which can include verbal expression of concern, dismissal of the organization's representative from future CoC events, removal of CoC membership, lower ranking of that organization's project, or any other consequence deemed appropriate by the Governance Team.

B. **Confidentiality Policy.** As part of the activities and responsibilities of the Montgomery County Continuum of Care for Homeless Services, it is normal for information related to an organization's financial and funding status and personal information about program participants to become known and shared. Apart from information that is public knowledge such as CoC grant amounts and project name and type, all members of the CoC are expected to keep organizational and personal information confidential.

C. **Expectations of Members.** All CoC members are expected to attend Community Update meetings, to keep informed about CoC matters by reading electronic and print communication materials, and to participate on Action Teams as able and appropriate.

D. **Periodic Review.** This Code of Conduct, Section VII of the Governance Charter, shall be reviewed no less than every five years by the Governance Team or a Special Action Team established by the Governance Team for that purpose. Revisions to the Code of Conduct shall follow the procedures for Amending the Governance Charter in Section XIII below.

### **VIII. Your Way Home Community Update Meetings with CoC Agenda Items**

A. **Purpose.** The CoC portion of a Community Update meeting shall function as a meeting of the CoC. The purpose of the CoC portion of Community Update meetings is to receive reports from the Governance Team, vote on pertinent matters, and for mutual sharing of information, networking, and support among members to help sustain the work of addressing homelessness.

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The agenda of the first Community Update meeting held during the calendar year shall include election of CoC Governance Team members as needed to fill expired or vacant terms of office, with the exception of the year of the adoption of this Governance Charter, when the Governance Team shall be elected at a selected Community Update meeting and terms of office continue through the subsequent calendar year.

B. Frequency. Community Update meetings with CoC agenda items shall be held a minimum of four times per year.

C. Notification. The Governance Team shall ensure that all CoC members are notified of upcoming Community Update meetings which include CoC agenda items through the regular communications procedures of Your Way Home.

D. Chair. The Homeless Continuum of Care portion of Community Update Meetings shall be chaired by a Co-Chair of the CoC Governance Team.

E. Quorum for Voting. A quorum for voting consists of a majority of CoC recipient and subrecipient organizations.

F. Majority Rule. The vote shall be carried by simple majority, unless the Governance Team notifies the CoC prior to votes being cast of a different margin for approval, such as a supermajority (two-thirds majority).

G. Minutes. Written minutes of the Homeless Continuum of Care portion of Community Update Meetings shall be taken by the Secretary of the Governance Team or the Secretary's designee. Minutes shall include but are not limited to a record of those attending and the organizations the attendees represent, the outcome of votes, and recusals in compliance with the Code of Conduct (Section VII).

### **IX. Governance Team**

A. Purpose and Responsibilities. By virtue of its election, the Governance Team is empowered by the Montgomery County Continuum of Care for Homeless Services to serve as its Board and thereby act on its behalf, including decision-making authority and the establishment of Special Action Teams, to carry out the CoC's responsibilities as listed in Section III above. It is the responsibility of the Governance Team to ensure that the CoC implements any and all plans, goals, activities, or action steps reported to the United States Department of Housing and Urban Development through the CoC funding application and/or through any other reporting mechanism. It is also the responsibility of the Governance Team to approve the methodology of the point-in-time count of persons experiencing homelessness.

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B. Membership. The Governance Team shall be comprised of a minimum of 8 and a maximum of 16 people, who together represent the subpopulations of people experiencing homelessness in Montgomery County, the Advisory Council of Your Way Home, and the Collaborative Applicant. One Governance Team member shall be appointed by the Advisory Council of Your Way Home. One Governance Team member shall be appointed by the Collaborative Applicant. There shall also be on the Governance Team representation from a Permanent Supportive Housing program, from a Rapid Re-Housing program, from a Transitional Housing program, and from an Emergency Shelter, a minimum of one homeless or formerly homeless individual, a representative from an Emergency Solutions Grant funded organization, the County's McKinney-Vento coordinator, and any other person or persons necessary to fully represent the subpopulations of people experiencing homelessness in Montgomery County. There shall also be representation on the Governance Team by any organization required by the federal Emergency Food and Shelter Program grant process, whose distribution is also managed by the Governance Team. The regional McKinney-Vento Coordinator will also be invited to participate in Governance Team meetings as a non-voting member. Any given Governance Team member may represent more than one subpopulation, interest, or group.

C. Nomination and Election. Election of Governance Team members shall take place during a Community Update meeting held during the first quarter of the calendar year. The Governance Team shall annually appoint a Nominating Team to nominate members for expired terms of office and for any other vacancies. Nominees shall be in accordance with Section IX.B. above. The Nominating Team shall determine whether additional nominations will be accepted, including self-nominees, and if so, the date by which the Team must receive additional nominations. The Nominating Team shall also determine whether nominations will be accepted from the floor during the Community Update meeting. The Nominating Team shall send the slate of nominees to the CoC membership no later than ten days prior to the Community Update meeting during which election shall take place. During the Community Update meeting, the Nominating Action Team shall move "election of the entire slate of nominees," with vote by the CoC membership on the entire slate.

D. Term of Office. The members of the Governance Team shall serve a term of office of two years, and may be re-elected twice, for a total maximum time of service of six years. A person is eligible for nomination and election to a new two-year term after a minimum of one year off of the Governance Team.

E. Removal. A member of the Governance Team must resign upon loss of employment at a CoC member organization. A member of the Governance Team may be removed by a two-thirds vote of the Governance Team for violation of the Code of Conduct. Any removal of a member of the Governance Team must be reported to the entire CoC electronically within three days of removal, and reported verbally at the next

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Community Update meeting.

F. Vacancies. Nominees for vacant positions on the Governance Team due to resignation or other removal will be brought to the Governance Team by the Co-Chairs for vote by the Governance Team. The new member will serve out the term of the vacated position. The Co-Chairs will report the vote to the entire CoC within three days of the Governance Team meeting where the vote occurred.

G. Officers

1. Positions. The Officers of the CoC Governance Team shall be two Co-Chairs and one Secretary.

2. Responsibilities. The Co-Chairs are jointly responsible for overall functioning of the Governance Team, and for the specific responsibilities of meeting notification, nominations for filling vacant Governance Team positions, reporting to the entire CoC, and facilitating meetings of the Governance Team. The Secretary is responsible for recording pertinent discussion and CoC actions such as votes at Community Up-Date meetings; for recording meetings of the Governance Team, including reporting any conflicts of interest and recusal from voting or from other CoC activities in case of conflict of interest; and for keeping a permanent file of all minutes.

3. Selection.

a. Co-Chairs. One Co-Chair shall be a representative of the Collaborative Applicant and be appointed by the Collaborative Applicant. The other Co-Chair shall be selected by the Governance Team itself. At least one Co-Chair must represent a nonprofit organization that provides housing and/or services to individuals or families experiencing homelessness.

b. Secretary. The Governance Team shall select its Secretary.

4. Term of office. The terms of office of Co-Chairs and Secretary shall be concurrent with their terms of office on the Governance Team.

H. Meetings

1. Purpose and Frequency. The Governance Team shall set its own regular schedule to meet a minimum of four times per year and as many additional times as necessary to ensure implementation of its purpose and responsibilities as described in Section IX.A. above. At the discretion of the Co-Chairs, meetings may be in-person or virtual, such as via teleconference.

2. Notification. The Co-Chairs are responsible for notifying all other members of the Governance Team of meeting dates, times, and agendas.

3. Quorum for Voting. A quorum shall consist of 50% of the members of the Governance Team.

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I. **Accountability.** The Governance Team is elected by the entire CoC, is empowered by the CoC, and is therefore accountable to the CoC for its decisions and actions. It is the responsibility of the Co-Chairs and the entire Governance Team to regularly report decisions and actions to the CoC.

J. **Application of the Code of Conduct.** The Code of Conduct, incorporating Conflict of Interest Policy, Confidentiality Policy, and Expectations of Section VII of this Governance Charter, applies to every member of the Governance Team of the Montgomery County Continuum of Care for Homeless Services. Upon election and annually thereafter, each member of the Governance Team shall sign a statement of adherence to the Code of Conflict, also disclosing any conflict of interest.

### **X. Action Teams**

#### **A. Type and Selection**

1. **Advisory Teams.** Advisory Teams are permanent Action Teams established to carry out one or more specific responsibilities of the Montgomery County Continuum of Care for Homeless Services as listed in Section III above. Standing Action Teams must be stipulated in the Governance Charter and therefore approved by vote of the entire CoC. Establishing one or more Standing Action Teams requires amendment of this Governance Charter in accordance with Section XIII below.

2. **Action Teams.** The Montgomery County Continuum of Care for Homeless Services or the Governance Team acting on its behalf may establish Special Action Teams as temporary task forces to carry out one or more specific responsibilities of the Montgomery County Continuum of Care for Homeless Services as listed in Section III above. Special Action Teams are dissolved by the Governance Team upon fulfillment of their responsibilities.

B. **Examples of Special Action Teams.** Special Action Teams may include but are not limited to CoC Application Oversight, CoC Membership, Governance Charter Review, Governance Team Nominating, HMIS, Performance Monitoring, Point-in-Time Count, and Ranking and Review.

C. **Membership of Action Teams.** Members may be on a volunteer basis or appointed by the Governance Team. Action Team members may be CoC members or non-CoC members whose expertise is deemed helpful to fulfilling the Team's' responsibilities. Action Teams shall select their own Chair and Secretary.

D. **Meetings of Action Teams.** Meetings of Action Teams will be held as often as necessary to ensure fulfillment of their responsibilities. Meetings may be in-person or virtual, such as via teleconference.

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E. Accountability of Action Teams. Action Teams are accountable to the entire Montgomery County Continuum of Care for Homeless Services through reports on their work to the Governance Team and/or to the CoC at Community Update meetings or through electronic or other distribution to the CoC. Reports may be verbal or in writing. Verbal reports to the Governance Team shall be recorded in meeting minutes by the Secretary; written reports to the Governance Team shall be appended to the meeting minutes.

F. Application of the Code of Conduct. The Code of Conduct, incorporating Conflict of Interest Policy, Confidentiality Policy, and Expectations of Section VII of this Governance Charter, applies to every Special Action Team member.

XI. Approval of the Governance Charter. This Charter shall be approved by the Montgomery County Continuum of Care for Homeless Services at a Community Update meeting called for this purpose. No later than ten days prior to the meeting, the Charter shall be distributed to recipient and subrecipient organizations and to any other pertinent Your Way Home participants as determined by the Leadership Council of Your Way Home or by the Collaborative Applicant. Comments may be returned until three days prior to the meeting, at which time the comment period will be closed, except for discussion period during the Community Update meeting. Regular communications procedures of Your Way Home shall be used for distribution of the Charter and receipt of comments. At the Community Update Meeting, the Governance Charter Action Team shall move the Charter's approval, discussion shall be held, and a vote for approval shall be taken. If the Charter is not approved, it shall be revised by the Governance Charter Action Team and presented to the CoC for approval at a Community Update Meeting held for that purpose no more than six weeks later, with distribution and comment period no later than two weeks prior to the meeting.

### **XII. Annual Review of the Governance Charter.**

The Governance Charter shall be reviewed annually during the first quarter of the calendar year by the Governance Team or a Special Action Team appointed by the Governance Team for that purpose. If the review shows the necessity for amending the Charter, the procedure in Section XIII shall be followed. Charter review shall be reported to the entire Montgomery County Continuum of Care for Homeless Services.

### **XIII. Amending the Governance Charter.**

The Charter can only be amended by vote of the members of the Montgomery County Continuum of Care for Homeless Services. Any proposed amendment to the Charter shall be presented to the Governance Team. Upon approval, the Governance Team shall call a Community Update meeting for the purpose of vote on the proposed amendment(s) by the entire CoC. No later than two weeks prior to the meeting, the

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proposed amendment(s) shall be distributed to the entire membership of the CoC by the Co-Chairs of the Governance Team for review and comments. Comments from CoC members may be returned to a designated member of the Governance Team until three days prior to the meeting, at which time the comment period will be closed. At the Community Update meeting, the Governance Team shall move the amendments, a member of the Governance Team shall facilitate discussion, and a vote for approval shall be taken.

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## APPENDIX

### Your Way Home Montgomery County HMIS Governance Charter

#### 1. Purpose

The Montgomery County Your Way Home Continuum of Care (CoC) operates a Homeless Management Information System (HMIS) to record and store client-level information about the numbers, characteristics and needs of persons who access homeless services and supportive services within the County of Montgomery, Pennsylvania. The HMIS also collects client information through the Montgomery County Your Way Home (YWH) Call Center, including information on persons at-risk of homelessness or those calling to access homeless services in Montgomery County.

Further, HMIS is used to aggregate data about the extent and nature of homelessness over time; produce an unduplicated count of homeless persons; understand patterns of service use; and measure the effectiveness of homeless assistance projects and programs. Data produced is used for evaluating program outcomes, producing required HUD reports and for planning and research purposes that may impact the direction of the Continuum of Care in Montgomery County.

#### 2. Montgomery County CoC Responsibilities

The Montgomery County CoC is responsible for:

- Designating a single information system as the official HMIS software for the Montgomery County geographic area
- Designating an HMIS Lead to operate the HMIS.
- Providing governance of the HMIS Lead, including:
  - ❑ The requirement that the HMIS Lead enter into written HMIS Participation Agreements with each Contributing HMIS Organization (CHO), requiring that CHO's comply with federal regulations regarding HMIS and imposing sanctions for failure to comply; and
  - ❑ Imposing a participation fee, if any, charged by the HMIS;
- Maintaining documentation evidencing compliance with this part and with the governance agreement; and
- Reviewing, revising and approving the policies and plans required by federal regulation.

#### 3. Designations

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## **3.1. HMIS System**

The CoC designates CLARITY Human Services Database System from Bitfocus, located in Las Vegas, Nevada as the official HMIS for Montgomery County's CoC.

## **3.2. HMIS Lead**

The Montgomery County CoC designates the Montgomery County Department of Housing & Community Development (DHCD) as the HMIS Lead to operate the HMIS system in Montgomery County.

## **4. Responsibilities of the HMIS Lead**

The HMIS Lead is responsible for:

- Ensuring the operation of and consistent participation of Continuum of Care (CoC) funds, Emergency Solutions Grants (ESG) Program funds, Community Development Block Grant (CDBG) funds, HOME Investment Partnership Funds and the local Affordable Housing Trust Funds, including oversight of the HMIS and any necessary corrective action to ensure that the HMIS is in compliance with all applicable federal requirements;
- Developing written HMIS policies and procedures for CHO's in accordance with the most recently published 2010 Data Standards
- Executing a written HMIS Participation Agreement with each CHO, which includes the obligations and authority of the HMIS Lead and CHO, the requirements of the security plan and privacy policy with which the CHO must abide, sanctions for violating the HMIS Participation Agreement, and an agreement that the HMIS Lead and the CHO will process Protected Identifying Information consistent with the agreement;
- Serving as the applicant to the US Department of Housing and Urban Development (HUD) for CoC grant funds to be used for HMIS dedicated activities for the CoC's geographic area, as directed by the Montgomery County CoC, and entering into grant agreements with HUD to carry out the HUD-approved HMIS activities;
- Monitoring and enforcing compliance by all CHOs with HUD requirements and reporting on compliance to the CoC and HUD;
- Monitoring data quality and taking all necessary actions to maintain input of high-quality data by all CHOs, including the timely entry and exit dates for all client participants;
- The HMIS Lead must submit a security plan, an updated data quality plan, and a privacy policy to the CoC for approval within 6 months after the effective date of the HUD final rule establishing the requirements of these plans, and within 6 months after the date that any change is made to the local HMIS. The HMIS Lead must review and update the plans and policy at least annually. During this process, the HMIS Lead must

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seek and incorporate feedback from the CoC and CHO. The HMIS Lead must implement the plans and policy within 6 months of the date of approval by the Montgomery County CoC.

### **5. Duties of the HMIS Lead**

#### **5.1. Montgomery County CoC HMIS Policies and Procedures**

The HMIS Lead must adopt written policies and procedures for the operation of the HMIS that apply to the HMIS Lead, its CHOs, and the Continuum of Care. These policies and procedures must comply with all applicable Federal law and regulations, and applicable state or local governmental requirements. The HMIS Lead may not establish local standards for any CHO that contradicts, undermines, or interferes with the implementation of the HMIS standards as prescribed in this part.

#### **5.2. Unduplicated Count**

The HMIS Lead must, at least once annually, or upon request from HUD, submit to the Montgomery County CoC an unduplicated count of clients served and an analysis of unduplicated counts, when requested by HUD.

#### **5.3. Reporting**

The HMIS Lead shall submit all reports to HUD as required.

#### **5.4. Privacy**

The HMIS Lead must develop a privacy policy. At a minimum, the privacy policy must include data collection limitations; purpose and use limitations; allowable uses and disclosures; openness description; access and correction standards; accountability standards; protections for victims of domestic violence, dating violence, sexual assault, and stalking; and such additional information and standards as may be established by HUD in notice. Every organization with access to protected identifying information must implement procedures to ensure and monitor its compliance with applicable agreements and the requirements of this part, including enforcement of sanctions for noncompliance.

#### **5.5. HMIS Standards**

The HMIS Lead, in contracting an HMIS vendor, must require the HMIS vendor and the software to comply with the most recent HMIS standards issued by HUD as part of its contract.

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## 5.6. Participation Fee

The HMIS Lead shall not charge a participation fee for CHOs. Each CHO will be provided the necessary CLARITY licenses at no cost to the CHO.

## 6. Responsibilities of the CoC YWH HMIS/Data & Outcomes Action Team

The Action Team will work with the HMIS Lead to:

- Develop, annually review, and, as necessary, revise for CoC Board approval a privacy plan, security plan, and data quality plan for the HMIS, as well as any other HMIS policies and procedures required by HUD.

- Develop for Board approval and implement a plan for monitoring the HMIS to ensure that:

Recipients and Subrecipients consistently participate in HMIS;  
HMIS is satisfying the requirements of all regulations and notices issued by HUD;

The HMIS Lead is fulfilling the obligations outlined in its HMIS Governance Agreement with the Montgomery County CoC, including the obligation to enter into written participation agreements with each contributing HMIS organization.

- Oversee and monitor HMIS data collection and production of the following reports:

- Sheltered point-in-time count;
- Housing Inventory Chart;
- Annual Homeless Assessment Report (AHAR); and
- Annual Performance Reports (APRs).

## 7. Responsibilities of the CHO

A CHO must comply with federal regulations regarding HMIS.

A CHO must comply with Federal, state, and local laws that require additional privacy or confidentiality protections. When a privacy or security standard conflicts with other Federal, state, and local laws to which the CHO must adhere, the CHO must contact the HMIS Lead and collaboratively update the applicable policies for the CHO to accurately reflect the additional protections.

## 8. Joint HMIS Lead-CHO Responsibility for Privacy

The HMIS Lead and the CHO using the HMIS are jointly responsible for ensuring that HMIS processing capabilities remain consistent with the privacy obligations of the CHO.

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