

PA-504 Montgomery County, Pennsylvania Continuum of Care Governance Charter

Adopted by the PA-504 Continuum of Care: December 16, 2014

Revised by the PA-504 Continuum of Care Governing Board:
September 18, 2018

PA-504 Montgomery County Continuum of Care Governance Charter

I. About the PA-504 Montgomery County Pennsylvania Continuum of Care

A. Core Purpose. The core purpose of the PA-504 Continuum of Care, with support from the Your Way Home public-philanthropic partnership, is to make homelessness in Montgomery County, Pennsylvania a rare, brief and one-time experience.

B. Guiding Principles. The guiding principles of the PA-504 Continuum of Care include:

- Housing First
- Progressive Engagement
- Diversity, Equity and Inclusion
- Trauma-Informed Care
- Culturally Relevant, Person-Centered Services
- Utilizing Evidence-Based and Promising Practices
- Data-Informed Decision-Making
- Cross-Sector Collaboration
- Fair Housing
- Incorporating the Voices of People with Lived Experience

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 PA-504 Montgomery County Continuum of Care is led by a 12-17 member Governing Board elected by, and comprised of representatives from, the Continuum of Care membership.

The CoC Governing Board and membership are supported by Your Way Home (YWH), a public-philanthropic partnership that promotes the health, housing stability and economic security of people experiencing or at imminent risk for homelessness in Montgomery County. Your Way Home is led by a 25-member cross-sector Advisory Council appointed by the Montgomery County Commissioners. Both the CoC Governing Board and the Your Way Home Advisory Council include representatives from the following:

- Public and philanthropic funders
- Nonprofit and community service providers
- People with the lived experience of homelessness
- Faith-based organizations
- Representatives from child welfare, domestic violence, education, food security, health, housing, mental/behavioral health systems and veterans affairs, among others.

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Backbone support for both the CoC and YWH are provided by a dedicated staff team and consultant in the Montgomery County Department of Health and Human Services' Office of Housing and Community Development. The Administrator of 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

The PA-504 CoC Governance Charter (the Charter) defines the roles, responsibilities, membership criteria, code of conduct and meeting schedule for the CoC. The Charter also describes the role, composition and election process for the CoC Governing Board, the formally elected governing body of the CoC.

The PA-504 CoC Homeless Management Information System (HMIS) is appended to this Charter.

III. Responsibilities of the PA-504 Montgomery County Continuum of Care for Homeless Services.

The responsibilities outlined in this section are mandated by or aligned with 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 Governing Board which acts as the Board of the CoC, and authorize the Governing Board to act on behalf of the CoC.
- B. Operate the CoC by holding regular meetings, soliciting membership, electing a Governing Board 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.

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- 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 engagement of the YWH Advisory Council, as well as other cross-sector, volunteer 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 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. Coordinate with all housing and emergency service providers, including recipients of Emergency Solutions Grants as well as the Your Way Home public-philanthropic partnership, to operate a Coordinated Entry System for anyone experiencing homelessness or a housing crisis in Montgomery County.
- I. Oversee and approve the annual HUD CoC grant program application, as well as all other HUD, FEMA and Commonwealth of Pennsylvania public grant programs that fund homeless services.

IV. Collaborative Applicant.

The PA-504 Montgomery County Continuum of Care 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 Governing Board.

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

The Montgomery County Continuum of Care for Homeless Services designates the

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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. CoC membership includes but is not limited to the following:

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, and therefore retains voting rights (Section VI.C.) and is subject to the Code of Conduct (Section VII).

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, schools, 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.

B. 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 managed by the Office of Housing and Community Development; the registrar will report the list of members periodically to the Governing Board (Section IX). All members are subject to the Code of Conduct (Section VII).

C. Solicitation of New Members. New members shall be invited to join the Montgomery County CoC on an ongoing basis, through the CoC webpage, social media, monthly e-mail newsletter, all in-person meetings and events and the annual Your Way Home Summit. The CoC Governing Board 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.

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D. 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 Governing Board. An organization may argue a special exception and appeal this one organization-one vote rule to the Governing Board prior to a meeting where voting will be conducted; the Governing Board will render its decision prior to the meeting.

An unaffiliated individual member has one vote.

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 Governing Board 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 Governing Board, 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 Governing Board 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 the CoC and the Your Way Home public-philanthropic partnership.

VII. Code of Conduct

A. The CoC Code of Conduct is as follows:

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

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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 Governing Board. Minutes of a formal meeting must include conflict of interest 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 Governing Board discovers an undisclosed conflict of interest, the Governing Board 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 Governing Board.

B. Confidentiality Policy. As part of the activities and responsibilities of the CoC, 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 Advisory and 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 Governing Board or a Special Action Team established by the Governing Board for that purpose. Revisions to the Code of Conduct shall follow the procedures for Amending the Governance Charter in Section XIII below.

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VIII. CoC Meetings

A. Purpose. The COC will hold quarterly meetings open to all CoC members as well as members of the Your Way Home public-philanthropic partnership. The meeting agendas will include: HUD and other federal/state/local policy and funding updates, CoC Governing Board updates, Your Way Home partnership updates, votes on pertinent CoC matters, and for mutual sharing of information, networking, and support among members to help sustain the work of ending and preventing homelessness.

The agenda of the first CoC meeting held during the calendar year shall include election of CoC Governing Board 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 Governing Board shall be elected at a selected CoC meetings and terms of office continue through the subsequent calendar year.

B. Frequency. CoC meetings shall be held a minimum of four times per year.

C. Notification. The Office of Housing and Community Development shall ensure that all CoC members are notified of upcoming meetings through the CoC webpage, social media, e-newsletter and in-person meeting announcements.

D. Co-Chairs. CoC meetings will be opened and closed by a Co-Chair of the CoC Governing Board or another member they designate.

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

F. Majority Rule. The vote shall be carried by simple majority, unless the Governing Board 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 will be taken by a member of the CoC Governing Board or a staff member in the Office of Housing and Community Development. 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. Governing Board

A. Purpose and Responsibilities. By virtue of its election, the Governing Board 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 cross-sector, volunteer Advisory and Action Teams dedicated to specific policy and practice questions/issues, to carry out the CoC's responsibilities as listed in Section III above. It is the responsibility of the Governing Board to ensure

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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 Governing Board to approve the methodology of the Point-In-Time Count of persons experiencing homelessness.

B. Membership. The Governing Board shall be comprised of a minimum of 12 and a maximum of 17 people, who together represent the key sectors, funders, service providers, and populations of people experiencing homelessness in Montgomery County, as well as the Your Way Home public-philanthropic partnership and the Collaborative Applicant.

The Governing Board shall be comprised of at least one representative from each of the following stakeholders (a given member may represent more than one stakeholder group):

- People with the lived experience of homelessness
- Coordinated Entry Service Providers
- Emergency Shelter Service Providers
- Rapid Re-Housing Service Providers
- Permanent Supportive Housing Service Providers
- Affordable Housing Providers
- Homeless Youth Service Providers
- Domestic Violence Survivor Service Providers
- Veterans Service Providers
- Mental/Behavioral Health Service Providers
- Early Childhood and/or K-12 Education System Representatives
- Public Funding Agencies
- Philanthropy
- Faith-Based Organizations
- Your Way Home public-philanthropic partnership Advisory Council
- Collaborative Applicant (Office of Housing and Community Development)

C. Nomination and Election. Election of CoC Governing Board members shall take place during a CoC meeting held during the first quarter of the calendar year. The Governing Board shall recruit, interview and nominate members for expired terms of office and for any other vacancies. Nominees shall be in accordance with Section IX.B. above. The Governing Board 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 Governing Board shall send the slate of nominees to the CoC membership no less than ten days prior to the date of the election. The election shall be held electronically through an online survey link emailed to all CoC members and announced/distributed at a CoC meeting the day before or on the date of the election.

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D. Term of Office. The members of the Governing Board shall serve a term of office of three years. Members may serve a total of no more than three consecutive terms of office before taking a required one-year break from service.

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

CoC Governing Board members who do not actively participate in the majority of regularly scheduled CoC Governing Board and CoC membership meetings in any given year may be asked to resign in order to allow for another more active representative.

F. Vacancies. Nominees for vacant positions on the Governing Board due to resignation or other removal will be brought to the Governing Board by the Co-Chairs for vote by the Governing Board. 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 Governing Board meeting where the vote occurred.

G. Officers

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

2. Responsibilities. The Co-Chairs are jointly responsible for overall functioning of the Governing Board, and for the specific responsibilities of meeting notification, nominations for filling vacant Governing Board positions, reporting to the entire CoC, and facilitating meetings of the Governing Board. The Secretary is responsible for recording pertinent discussion and CoC actions such as votes at Community Up-Date meetings; for recording meetings of the Governing Board, 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 Governing Board from among its members.

b. Secretary. The Governing Board 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 Governing Board.

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H. Meetings

1. Purpose and Frequency. The Governing Board 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 Governing Board of meeting dates, times, and agendas.

3. Quorum for Voting. A quorum shall consist of 50% of the members of the Governing Board. Voting may occur in-person or electronically via email. Governing Board members whose organizations may benefit from a specific vote or who have some other Conflict of Interest must recuse themselves from voting as per the Code of Conduct.

I. Accountability. The Governing Board 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 Governing Board 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 Governing Board of the Montgomery County Continuum of Care for Homeless Services. Upon election and annually thereafter, each member of the Governing Board shall sign a statement of adherence to the Code of Conflict, also disclosing any conflict of interest.

X. Advisory and 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.

2. Action Teams. The CoC Governing Board may establish Advisory and Action Teams to carry out one or more specific responsibilities of the CoC as listed in Section III above. Special Action Teams are dissolved by the Governing Board upon fulfillment of their responsibilities.

C. Membership of Action Teams. Members may be on a volunteer basis or

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appointed by the Governing Board. Action Team members may be CoC members or non-CoC members whose expertise is deemed helpful to fulfilling the Team's responsibilities.

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.

E. Accountability of Action Teams. Action Teams are accountable to the entire CoC through reports on their work to the Governing Board and/or to the CoC at regular meetings or through electronic or other distribution to the CoC. Reports may be verbal or in writing. Verbal reports to the Governing Board shall be recorded in meeting minutes by the Secretary; written reports to the Governing Board 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 Action Team member.

XI. Approval of the Governance Charter. The Governance Charter was adopted and approved through a majority vote of the entire CoC membership.

XII. Annual Review of the Governance Charter.

The Governance Charter shall be reviewed annually during the first quarter of the calendar year by the Governing Board. 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.

As the elected representatives of the CoC membership, the Governing Board shall approval revisions to the Charter. A copy of the most recently approved version of the Charter will be posted on the CoC webpage and made available to all members upon request.

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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

3.1. HMIS System

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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 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.

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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.

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.

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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.