

# Governance Charter of the OH-500 Cincinnati/ Hamilton County Continuum of Care

## I. Overview

### A. Governance Charter Purpose

#### **This document sets forth:**

- i. Guiding principles of membership and participation in the Cincinnati Hamilton County Continuum of Care (the CoC)
- ii. Responsibilities delegated by the CoC to its Board (Homeless Clearinghouse), committees/workgroups, and agents.
- iii. Provisions for Continuum governance through the Homeless Clearinghouse and key policies and procedures

### B. Contents

#### **The sections of this Charter are as follows:**

- i. Overview
- ii. The Continuum of Care
- iii. The Homeless Clearinghouse
- iv. Committees and Workgroups
- v. Continuum Policies
- vi. Appointed Entities
- vii. General Provisions

### C. Terms & Definitions

**CoC Program Grantee (Recipient):** The CoC Program Grantee is the “recipient” as used by HUD and means an applicant that signs a grant agreement with HUD.

**Collaborative applicant:** The eligible applicant that has been designated by the Continuum of Care to apply for a grant for Continuum of Care planning funds under this part on behalf of the Continuum. Section VI of this Charter designates Strategies to End Homelessness as the Collaborative Applicant for the Cincinnati/Hamilton County Continuum of Care.

**Continuum of Care:** The group organized to carry out the responsibilities required by the HUD CoC Program and that is composed of representatives of organizations, including nonprofit homeless providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, organizations that serve homeless and formerly homeless veterans, and homeless and formerly homeless persons to the extent these groups are represented within the geographic area and are available to participate.

**Homeless Management Information System (HMIS):** The information system designated by the CoC to comply with the HMIS requirements prescribed by HUD.

**HMIS Lead:** The entity designated by the CoC in accordance with this part, to operate the CoC's HMIS on its behalf. Section VI of this Charter designates Strategies to End Homelessness as the HMIS Lead and HMIS Administrator for the CoC.

**Unified Funding Agency (UFA):** An eligible applicant (the Collaborative Applicant) selected by the CoC, which has the capacity to fulfill the duties in the CoC Interim Rule, is approved by HUD to apply for a grant for the entire Continuum of Care and is awarded a grant by HUD. Section VI.A.2 of this Charter designates Strategies to End Homelessness to apply annually for the UFA designation.

## II. The Continuum of Care

### A. Mission Statement

To end homelessness in Greater Cincinnati through alignment and engagement of our provider network, working together to develop effective policy and ensure the strategic use of resources.

### B. CoC Purpose and Responsibilities

- i. The purpose of the CoC is to:
  - a. promote communitywide commitment to the goal of ending homelessness.
  - b. provide funding for efforts by nonprofit providers, and State and local governments to quickly re-house homeless individuals and families while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness.
  - c. promote access to and effective utilization of mainstream programs by homeless individuals and families.
  - d. promote equitable service delivery to our population; and
  - e. optimize self-sufficiency among individuals and families experiencing homelessness.
- ii. The responsibilities of the CoC are:
  - a. Operate the CoC, which includes:
    1. Hold meetings of the full membership, with published agendas, at least semi-annually.
    2. Make an invitation for new members to join publicly available within the geographic area at least annually; Adopt and follow a written process to select Clearinghouse members to act on behalf of the CoC. The process must be reviewed, updated, and approved by the larger CoC membership at least once every 5 years.

3. Appoint committees, subcommittees, or workgroups.
4. In consultation with the CoC Collaborative Applicant and the HMIS Lead, develop, follow, and update annually a governance charter, which will include all procedures and policies needed to comply with CoC requirements as prescribed by HUD; and a code of conduct and recusal process for the Clearinghouse, its chair(s), and any person acting on behalf of the board.
5. Consult with recipients and subrecipients of CoC funding to establish performance targets appropriate for population and program type, monitor recipient and sub-recipient performance, evaluate outcomes, and take action against poor performers.
6. Evaluate outcomes of projects funded under the City of Cincinnati/Hamilton County Emergency Solutions Grants program (hereinafter referred to as "ESG") and the CoC program, and report to HUD.
7. In consultation with recipients of ESG funds, establish and operate a centralized and coordinated assessment system that provides an initial, comprehensive assessment of the needs of individuals and families for housing and services.
8. In consultation with recipients of ESG funds within the geographic area, establish and consistently follow written standards for providing CoC assistance. At a minimum, these written standards must include:
  9. Policies and procedures for evaluating individuals' and families' eligibility for CoC assistance; \*\*
  10. Policies and procedures for determining and prioritizing which eligible individuals and families will receive transitional housing assistance; \*\*
  11. Policies and procedures for determining and prioritizing which eligible individuals and families will receive rapid re-housing assistance; \*\*
  - ~~12.~~ Standards for determining what percentage or amount of rent each program participant must pay while receiving rapid re-housing assistance; \*\*
  13. Policies and procedures for determining and prioritizing which eligible individuals and families will receive permanent supportive housing assistance; \*\*
  14. A VAWA/HUD compliant emergency transfer plan; \*\* and
  15. When the CoC is designated a high-performing community, policies, and procedures for determining and prioritizing which eligible individuals and families will receive Homelessness Prevention Assistance. *Not Applicable*

**\*\*See Cincinnati/Hamilton County CoC Comprehensive Program Policy Manual**

- b. Designating and operating a Homeless Management Information System (HMIS):

1. Designate a single HMIS for the geographic area.
  2. Designate an eligible applicant to manage the CoC's HMIS, which will be known as the HMIS Lead.
  3. Review, revise, and approve a privacy plan, security plan, and data quality plan for the HMIS.
  4. Ensure consistent participation of recipients and sub-recipients of CoC and ESG funding in the HMIS.
  5. Ensure the HMIS is administered in compliance with requirements prescribed by HUD, including procurement for cost and services.
- c. Continuum of Care planning:  
The CoC must develop a plan that includes:
1. Coordinating the implementation of a housing and service system within its geographic area that meets the needs of the homeless individuals (including unaccompanied youth) and families. Broadly, this is referred to locally as "Coordinated Entry." At a minimum, such system encompasses the following:
    2. Outreach, engagement, and assessment.
    3. Shelter, housing, and supportive services.
    4. Prevention strategies.
      - Planning for and conducting, at least biennially, a point-in-time count of homeless persons within the geographic area that meets the following requirements:
        1. Homeless persons who are living in a place not designed or ordinarily used as a regular sleeping accommodation for humans must be counted as unsheltered homeless persons.
        2. Persons living in emergency shelters and transitional housing projects must be counted as sheltered homeless persons.
        3. Other requirements established by HUD by Notice.
          - Conducting an annual gaps analysis of the homeless needs and services available within the geographic area.
          - Providing information required to complete the Consolidated Plan(s) within the CoC's geographic area.
          - Consulting with state and local government ESG program recipients (City of Cincinnati/Hamilton County) for allocating ESG funds and reporting on and evaluating the performance of ESG recipients and sub-recipients.

### ***C. Acknowledgement of Structural Racism***

The Hamilton County/Cincinnati CoC recognizes that homelessness and lack of quality housing are systems that have not been spared from the structural racism that is part of our history in the United States. The Racial Equity Workgroup, originally known as the Racial Equity Core Team, was formed as a Workgroup of the OH-500 CoC to listen and engage with partners, stakeholders, and community members with lived experience to

address the racial inequities that exist within our homeless system as well as combat structural and systemic inequality that contribute to homelessness.

- i. Overall Goal: We strive for the Hamilton County/Cincinnati Homeless System to utilize a racial equity lens that values people of color's experiences while addressing homelessness and achieving safe, decent, and affordable housing for all.
- ii. Plan to achieve the goal: System inequities can be deconstructed through persistent and purposeful action. The Racial Equity Workgroup identified an Action Plan with specific steps to guide the decision-making processes of the Continuum of Care in promoting racial justice, accountability, and transparency in our homeless and housing system. Refer to Appendix A for the current Action Plan.
- iii. Building a racially equitable culture requires intention and effort. The Clearinghouse will fully integrate racial equity into every aspect of our operations, policies, and training and will work toward the dismantling of structural racism wherever we encounter it.

#### ***D. CoC Membership***

- i. The membership of the Continuum of Care is defined as those persons and organizations assembled and fully participating in the most recent CoC Annual Prioritization Event.
- ii. Information about the annual CoC prioritization event is publicly made available through email listserv, on the website of the UFA, and through social media outlets.
- iii. Our CoC commits to making our membership and leadership reflective of the full diversity of the population we serve.

#### ***E. CoC Meetings***

- i. Frequency: The Continuum will hold full membership meetings at least two (2) times per year at a time and location determined by the UFA, which may include virtual meetings.
- ii. The meeting location and/or virtual platform will be accessible to all participants including people with disabilities as well as people who utilize public transportation.
- iii. Open Meeting: Meetings of the Continuum will be open to any interested person.
- iv. Agendas: The UFA will disseminate agendas in advance of the meeting.
- v. Notice: The UFA will publish agendas in advance of the meeting and publicly invite new members at least annually. The UFA will work to provide thirty (30)-days' notice for meetings of the CoC.
- vi. Quorum: Quorum for the transaction of business at CoC meetings will be defined as those present at a properly noticed meeting.

### III. The Homeless Clearinghouse

#### *A. Purpose*

The Clearinghouse serves as the HUD-designated primary decision-making group and oversight board of the Cincinnati/Hamilton County Continuum of Care for the Homeless (OH-500) funding process. As the primary decision-making group for the CoC, the Clearinghouse designates the criteria for prioritizing programs to receive CoC program funds, and the results of the allocation process overseen by the Clearinghouse are not subject to change by any individual CoC member organizations, its staff, or Board of Directors.

#### *B. Responsibilities*

As the oversight board of the CoC, the Clearinghouse's responsibilities are:

- i. To ensure that the CoC is meeting all the responsibilities assigned to it by HUD regulations (see above).
- ii. To represent the relevant organizations and projects serving homeless subpopulations.
- iii. To support homeless persons in their movement from homelessness to economic stability and affordable permanent housing within a supportive community.
- iv. To be inclusive of all the needs of all of Cincinnati's and Hamilton County's homeless population, including the special service and housing needs of homeless subpopulations.
- v. To facilitate responses to issues and concerns that affect the agencies funded by the CoC that are beyond those addressed in the annual CoC application process.
- vi. To develop and implement action steps in CoC Strategic Planning.
- vii. To address and implement action steps adopted by the CoC's Racial Equity Workgroup.
- viii. To oversee establishment or refinement of new and renewal funding prioritization criteria in the annual CoC competition.
- ix. To oversee reallocations of funding throughout an operating year and/or from operating year to operating year.
- x. To oversee imposition of agency sanctions, recommended as a result of UFA monitoring activities.
- xi. To pass or approve of local CoC policies and/or their revisions.
- xii. To conduct the annual review process for recommendation of either renewal or new /changed designation of the CoC Lead Agency; and
- xiii. To conduct the annual review process for recommendation of whether the CoC should continue to have STEH apply for UFA status to HUD.
- xiv. To conduct the annual review process for recommendation of either renewal or new designation of the CoC HMIS Lead Agency.
- xv. To conduct the annual review process for recommendation of either renewal or new designation of the agency performing the HUD required function of Coordinated Entry.

### C. Clearinghouse Membership:

Each year, at the annual CoC General Orientation event, the structure of the CoC, working groups, and Homeless Clearinghouse is outlined; the nomination/seating process for the Clearinghouse is also explained, as is the process for and result of the annual designation of both the CoC Lead Agency and the HMIS Lead Agency. At the CoC’s annual CoC Governance Meeting, the slate of designated or potential Clearinghouse members (developed as described in the *Nomination and Terms* section below) are presented to and, if applicable, voted on by the CoC membership. Agencies seeking representation on the Homeless Clearinghouse may contact the chairs of the Clearinghouse, the UFA, or the Homeless Coalition to discuss openings. Voting seats may only be added after an affirmative vote of the full CoC membership at one of the semi-annual meetings.

The current Clearinghouse membership consists of the following, with each designated role having one seat on the committee, except as otherwise indicated:

<u>Role: Voting Seat</u>	<u>Current Representative/Seat-holder:</u>
CoC Geographic Region/ESG Recipient	City of Cincinnati (Designated by Seat holder)
CoC Geographic Region/ESG Recipient	Hamilton County (Designated by Seat holder)
Homeless/Formerly Homeless Persons (2)	Community Members
Homeless Advocate	Homeless Coalition
Public Housing Authority	CMHA (Designated by Seat holder)
Health Care for the Homeless	Cincinnati Health Network (Designated by Seat holder)
Veterans Services	Veterans Affairs (Designated by Seat holder)
Homeless Education Liaison	Project Connect/Cincinnati Public Schools
UFA and HMIS Lead	Strategies to End Homelessness
CoC Victim Service Provider	YWCA of Greater Cincinnati
<u>Public Library</u>	<u>Cincinnati Public Library</u>
CoC Working Group Representatives-	Family Homelessness
	Homeless Outreach
	Permanent Supportive Housing
	Rapid Re-Housing & Transitional Housing
	Youth Homelessness /RHY representative
	Veterans
	Coordinated Entry
	Shelter
	Racial Equity
	People with Lived Expertise
ESG: Shelter	Found House Interfaith Hospitality Network
ESG: Shelter Diversion	Bethany House
Executive Directors [4 (3 CoC funded)]	Caracole, Inc.
	Over the Rhine Community Housing
	Lighthouse Youth Services
	New Life Furniture Bank

- i. Advisory Seats: In addition to the above roles, Clearinghouse members may designate non-voting representatives to attend and participate in meetings to provide advice and expertise on particular issues.
- ii. Member conditions: No organization may have more than two staff people seated on the Clearinghouse at any time, regardless of which seats they occupy.
- iii. Nomination and Terms: While all seats are subject to staffing changes at represented agencies, the following designates the terms for the types of seats filled by Clearinghouse members:
- iv. Permanent Seats- prescribed by HUD and appointed by grant recipient (not subject for vote by CoC membership):
  - a. City of Cincinnati representative (1 voting seat)
  - b. Hamilton County representative (1 voting seat)
- v. Contractual Seats- prescribed by HUD and filled by representative from agency fulfilling the contracted role (not subject for vote by CoC membership):
  - a. Unified Funding Agency/Collaborative Applicant/HMIS Lead (1 voting seat)
- vi. Charter Seats - role either prescribed/scored by HUD or designated by the Cincinnati/Hamilton County homeless services community to be of value, and therefore necessary for optimal functioning of the Clearinghouse (all Charter seats voted on for approval annually by CoC membership):
  - a. Charter Seats held by Organizations which designate a representative. Seat holder is reviewed annually by the CoC Membership.
    1. Homeless Advocate (1 seat)
    2. Healthcare for the Homeless (1 seat)
    3. Veteran Affairs (1 seat)
    4. McKinney-Vento funded Education Liaison (1 seat)
    5. CoC funded Victim Service Provider (1 seat)
    6. Cincinnati Metropolitan Housing Authority (1 seat)
  - b. Charter Seats held by Individuals voted or appointed to positions:
    1. CoC Workgroup Representatives - reviewed and nominated annually by each individual workgroup (10 voting seats)
    2. ESG Sub-recipient: Shelter - reviewed and nominated annually by the ESG funding recipients (1 voting seat)
    3. ESG: Shelter Diversion- reviewed and nominated annually by the Shelter Diversion agencies, voted upon for approval by the CoC membership (1 voting seat)
    4. Homeless/Formerly Homeless Persons – reviewed and nominated annually by the Homeless Coalition (2 seats)
    5. Executive Directors- reviewed annually and nominated every two years BY HOMELESS COALITION. Homeless Coalition membership is not required to be appointed by the Homeless Coalition. The nominations will be taken in the Fall of odd numbered years, with two-year terms to begin in January of even numbered years.
      - 3 of the Executive Directors will be from CoC-funded organizations.
      - 1 from a non-CoC-Funded organization that works with the homeless



- vii. Vacancies: Vacancies on the Board will be managed as follows:
- a. Permanent seats
    - 1. In the case of a vacant permanent seat, the City of Cincinnati and/or Hamilton County will be responsible for designating another staff person to fill the vacant seat.
  - b. Contractual seats
    - 1. In the case of a vacant contractual seat, if the contractual relationship is still in effect, the contracted organization will be responsible for designating another staff person to fill the vacant seat.
    - 2. If the contractual relationship is no longer in effect, the new contracted agency will be responsible for designating a staff person to fill the vacant seat.
  - c. Charter seats
    - 1. In the case of a vacant charter seat held by an organization, the organization may designate a new individual to assume the seat.
    - 2. In the case of a vacant charter seat held by an individual voted or appointed to the seat, members of the Clearinghouse will, in consultation with the nominating body for that seat, elect a successor to hold the vacant seat for the remainder of the term of the person vacating the seat. At the end of the assumed term, a representative will be selected to hold the seat as indicated in the Terms section above.
    - 3. Only the full CoC membership, as required to assemble at least semi-annually, can vote to add additional charter seats (e.g., working group) to the Clearinghouse.
- viii. Quorum: A number equal to a majority of the representatives serving on the Clearinghouse shall constitute a quorum for the transaction of business at any meeting.
- ix. Manner of Acting: The act of the majority of the representatives presents at a meeting of the Clearinghouse at which a quorum is present shall be the act of the Clearinghouse.
- x. Voting: At all meetings, business items may be decided by arriving at a consensus. If a vote is necessary, all votes shall be by voice or ballot at the will of the majority of those in attendance at a meeting with a quorum represented. Each representative seat shall have one vote. No member may vote on any item which presents a real or perceived conflict-of-interest. (See section V below.)
- xi. Proxies: The use of proxies are approved for permanent seats and may be approved for other seats by the Clearinghouse. Members may send a non-voting representative in their place from their agency or workgroup, as appropriate.
- xii. Action Without a Meeting: Any action that may be taken at any meeting of the Clearinghouse may be taken without a meeting if that action is approved, in writing (e.g., letter, email) by a majority of all Clearinghouse members who would be entitled to vote if a meeting were held for such purpose.

- xiii. Removal: The seat of any representative who is absent for three (3) consecutive meetings of the Board may be declared vacant by the remaining members of the Clearinghouse. Such seats will then be filled through the processes described above under vacancies.
- xiv. Workgroups and Committees: The Clearinghouse may establish committees as it deems necessary. However, only the full CoC membership, as required to assemble at least semi-annually, can designate that a workgroup/committee established by the Clearinghouse should then also be given an Annual Term seat on the Clearinghouse itself.
- xv. Conflicts of Interest: A representative having a conflict of interest or a conflict of responsibility on any matter shall refrain from voting on such matter. Members of the Clearinghouse will sign a Conflict-of-Interest policy annually at the first Clearinghouse meeting of a given calendar year or at the first Clearinghouse meeting at which a given member is seated. (See Section V below and see attached Appendix B.)
- xvi. Resignation: Unless otherwise provided by written agreement, any representative may resign at any time by giving written notice to the Chairperson. Any such resignations shall take effect at the time specified within the written notice or if the time be not specified therein upon its acceptance by the Clearinghouse.
- xvii. Officers: The officers of the Clearinghouse shall be two (2) Co-Chairs, and a Secretary. Officers shall not be compensated for their services as such officers. No two officers shall be from the same agency or organization.
- xviii. Steering Team: A subgroup of the Clearinghouse voting membership which meets monthly (off cycle from scheduled Clearinghouse meetings). These meetings are attended by:
  - a. 3 - The officers of the Clearinghouse for that calendar year.
  - b. 1 - Immediate past Co-Chair
  - c. 1 - Homeless Coalition designate
  - d. 1 - Racial Equity Workgroup designate
  - e. 2 - At large members chosen by Clearinghouse
  - f. 1 – Person with Lived ExperienceSteering Team membership is a voluntary role, for which a Clearinghouse voting member either submits or agrees to candidacy which is then voted upon in an election by the Clearinghouse.
  - a. Steering Team members holding an “at large” seat, the Racial Equity Workgroup designate, and the Person with Lived Experience seat will have a term limit of 3 consecutive years. The Racial Equity Workgroup will consider the Term Limit in

- choosing its designate but will not be bound by it if Racial Equity would be better served by the given designate continuing to serve on Steering Team.
- b. In general, Steering Team members are elected in the fall of a given year to begin serving in January of the next calendar year.
  - c. Scheduled Steering Team elections will be staggered so that at least 2 members remain from the prior year, thus allowing for continuity.
    1. The immediate past Co-Chair of the Clearinghouse will be presumed to remain on the Steering Team in the year following their last Co-Chair term, even if that means that person will exceed a 3-year Steering Team term limit.
  - d. Mid-year vacancies on the Steering Team will result in an immediate request for candidacies and then election by the Clearinghouse at the next soonest appropriate monthly Clearinghouse meeting following the vacancy. The election will fill the seat for both the balance of the calendar year in which the vacancy occurred and for a further two years.
  - e. If the election of a new Clearinghouse officer has the effect of changing the composition of the Steering Team or exceeding the maximum number on the Steering Team, the Clearinghouse officers and STEH liaison will first check with the Steering Team to determine if any members are ready and/or prefer to roll off the Team. Depending on remaining composition after such decisions and/or if a given Steering Team member prefers not to voluntarily roll off, elections by the Clearinghouse will be held at the next soonest monthly Clearinghouse meeting to determine Steering Team composition.

Steering Team will make a report to the full Clearinghouse monthly. Work of the group will include continuing progress on CoC strategy and planning, setting the Clearinghouse agenda, and managing the work of the CoC workgroups or other ad hoc groups.

xix. Election and Term:

- a. Officers: Shall be elected by the Clearinghouse representatives annually, at the first regular meeting of a new calendar year. Each officer shall hold office for a term of one (1) year or until their successors have been elected and qualified. Officers may serve up to two (2) consecutive terms. No person may hold more than one (1) office.
  1. From 2021 forward, the goal for Co-Chairs will be that the more recently elected of the two Co-Chairs will remain in the position for the next succeeding annual term (for the maximum of the two years) while the longer serving of the two Co-Chairs rolls off at the end of the maximum annual term. This will allow for some continuity at the Co-Chair position and to allow the newly incoming Co-Chair for the next annual term to become acclimated to the position.
- b. Executive Directors: Members are nominated by the Homeless Coalition and serve a term of two (2) years. The Homeless Coalition will review membership annually with each appointed seat and membership will be voted on by the Homeless Coalition general body membership at the end of two (2) years. Terms begin in even numbered years.
- c. There are no terms to voting seats on the Homeless Clearinghouse, but all Charter seats must be reviewed and approved annually as described in the Nomination and Terms section of this document.

- d. If the CoC Membership votes to withhold approval of a person nominated to a Charter seat, the seat will be filled according to the procedures listed under the section “vacancies” above.
  
- xx. Timeline: Homeless Clearinghouse members are to be designated through the nomination processes before the November meeting of the Homeless Clearinghouse. The Homeless Clearinghouse will review the list of new members in the November meeting and the full CoC will vote on membership at the annual meeting each December/January. New Clearinghouse members will start at the first Clearinghouse meeting of each calendar year.
  
- xxi. Officer Vacancies: Vacancies among the officers may be filled by a vote of the majority of the Clearinghouse representatives at any meeting at which a quorum is present.
  
- xxii. Co-Chairs: Co-chairs are responsible for scheduling meetings of the Clearinghouse, ensuring that the Clearinghouse meets regularly or as needed, and for setting the agenda for meetings.
  
- xxiii. Secretary: The Secretary shall keep accurate records of the acts and proceedings of all meetings of the Clearinghouse or designate another person to do so at each meeting, including documenting all actions taken without a meeting, as described above. Such records will include the names of those in attendance. The Secretary shall give all notices required by law and by these Regulations. The Secretary shall have general charge of Clearinghouse records and shall keep or cause to be kept all such records at the UFA’s office. The Secretary shall sign such instruments as may require the Secretary’s signature, shall perform such other duties as the Clearinghouse may designate, and shall chair Clearinghouse meetings in the case of the absence of both co-chairs. The UFA may not serve as the secretary or perform the duties of the secretary.
  
- xxiv. Resignation of Officers: Unless otherwise provided by written agreement, any officer may resign at any time by giving written notice to a Co-chair or the Secretary. Any such resignations shall take effect at the time specified within the written notice or if the time be not specified therein upon its acceptance by the Clearinghouse.

#### **IV. Committees and Workgroups**

##### ***A. Formation and Composition***

- i. The Clearinghouse may establish ad-hoc workgroups and committees as it deems necessary.
- ii. Standing committees and workgroups are required to meet at least bi-monthly (defined as every other month).
- iii. The Clearinghouse may designate tasks such as the creation of policies and procedures to the workgroups.

- iv. Committees formed on an ad-hoc basis by the Clearinghouse will only be given a formal seat on /vote at the Clearinghouse itself, via a determination made at the annual CoC Governance meeting at which the CoC Governance Charter is reconsidered and approved.

### ***B. Standing Workgroups of The Homeless Clearinghouse***

- i. Family Homelessness Workgroup
- ii. Homeless Outreach Workgroup
- iii. Rapid Re-Housing/Transitional Housing Workgroup
- iv. Permanent Supportive Housing Workgroup
- v. Veterans Workgroup
- vi. Coordinated Entry Workgroup
- vii. Youth Workgroup
- viii. Shelter Workgroup
- ix. Racial Equity Workgroup
- x. People with Lived Expertise

### ***C. Workgroup Leadership***

A chair or co-chairs, as selected from within the group annually, will coordinate each Work Group with staffing assistance from the UFA

- i. If co-chairs are selected, a single person must be designated as the voting member of the Homeless Clearinghouse.
- ii. If the co-chair who holds the Clearinghouse voting seat takes an extended leave from the Clearinghouse (of two or more consecutive months), the second co-chair would take over the Clearinghouse seat, including authority to vote in the name of the Workgroup. The second chair would still be subject to the 2-person maximum regarding agency representatives seated on the Clearinghouse.
- iii. Once the co-chair who is on leave is ready to return to the Workgroup and Clearinghouse, the voting authority could either return to the original seat-holder or stay with the second co-chair, as determined by the will of the Workgroup at that time.
- iv. A Work Group Chair may simultaneously serve as Co-Chair of a second Workgroup, but not more than two simultaneously. A seat-holder of a non-Work Group seat may serve as a non-voting Co-Chair of a Work Group, but not hold more than one Co-Chair position while seat-holder. Further, a Clearinghouse member seated as both a Work Group voting Chair (or general seat-holder) and simultaneously as Co-Chair of another Work Group may be seated and voice opinions for both seats at a given meeting, if the Co-Chair position is elevated. However, in that event, the person holding simultaneous seats as Chair/Seat-holder and Co-Chair may only cast a vote for one of the two seats on a given topic at a given monthly meeting.

### ***D. Workgroup Responsibilities***

Workgroups are responsible for the following:

- i. Recruiting members
- ii. Selecting a chair or co-chairs in accordance with the timeline stated in this document.
- iii. Acting as a conduit for information sharing between the Homeless Clearinghouse and CoC membership
- iv. Establishing workgroup policies and procedures, consistent with this Charter, and providing them to the Homeless Clearinghouse and the UFA
- v. Establishing CoC-wide policies and procedures as directed by the Homeless Clearinghouse, for approval by the Homeless Clearinghouse
- vi. Recording minutes and attendance, and providing them to the UFA
- vii. Ensuring transparency of its process and meetings
- viii. Considering the CoC Strategic Plan in all activities

#### ***E. Standing Subcommittees***

Standing subcommittees will meet as often as the Clearinghouse instructs. They assist in carrying out the activities and oversight of the Clearinghouse as Requested by the Clearinghouse

- i. Monitoring Subcommittee
  - a. Closed committee that may include members outside of the Clearinghouse. Maximum of one representative from each CoC funded agency can hold a seat. Voting occurs when filling vacant seats and are approved by Clearinghouse. Please refer to Monitoring Subcommittee Protocols for additional information.
- ii. Scoring/Data Subcommittee
- iii. Appointments Subcommittee
- iv. Match Subcommittee
- v. Advocacy Subcommittee
- vi. Employment Subcommittee
- vii. Property Owner Engagement Subcommittee

#### **V. CoC Policies**

##### **A. Conflict of Interest and Recusal**

CoC board members, chairs, and anyone acting on behalf of the board of the Continuum shall disclose potential conflicts of interest that they may have regarding any matters that come before the CoC in full session, the Clearinghouse, or workgroup, including agency employment or board/volunteer affiliation and particularly personal financial interest other than agency employment or board/volunteer affiliation.

CoC board members, chairs, and anyone acting on behalf of the board shall recuse themselves from any matter in which they may have a conflict of interest—

abstaining from both discussion and voting on the matter. This shall not be construed to prevent such person or organization from providing their perspective and having an opportunity to be heard on a particular issue, so long as any final discussion and voting on the matter is held in an appropriate executive session without such person or organization present.

However, in a situation in which any member of the Continuum, or a member of their immediate family (such as parent, sibling, child or person with whom they cohabit), has a financial interest other than simple employment or board/volunteer affiliation at a CoC or ESG funded agency, that Continuum member shall not participate in any fashion in the discussion, voting, review, ranking, selection, or award of any (sub)awards and/or contracts in which they have a financial interest.

Please see the definition of Financial Interest in the CoC Conflicts of Interest policy attached hereto as Appendix **B**.

#### **B. Non-Discrimination**

The members, officers, committee members and contractors of the CoC will be selected entirely on a nondiscriminatory basis with actual or perceived race, sex, color, religion, national or ethnic origin, age, gender identity, pregnancy, citizenship, family or marital status, household composition, disability, veteran status, sexual orientation, or transgender status or other Federal, State or locally protected group.

#### **C. Limited Authority**

The CoC is not a formal organization. As such:

- i. It has, and can have, no assets or liabilities.
- ii. It cannot indemnify member or participant action; and
- iii. No member of the CoC, Homeless Clearinghouse, or its committees/workgroups may contract, incur debt, or otherwise create an enforceable obligation for or on behalf of the CoC, the Homeless Clearinghouse, and/or its committees.

Only the Homeless Clearinghouse may designate an individual or entity to speak for the CoC or its components.

Except for removal policies in this Charter, any grievance related to the CoC will follow HUD policies and contracts.

#### **D. Point in Time Count**

Consistent with HUD requirements and in coordination with the State of Ohio count, an annual Point in Time Count will be conducted.

- i. Unsheltered PIT Count:
  - a. Method: Night of the Count (aka "Street Count")
  - b. Coordination of the Street Count will be conducted in the HOG workgroup meetings prior to the PIT.
  - c. Street Outreach Workers lead teams of volunteers (identified through HOG) throughout the jurisdiction to known and suspected locations where the homeless are staying.

- d. Workers and/or volunteers record information about those encountered on the street and information will be merged with sheltered homeless information to minimize duplication.
- ii. Sheltered PIT Count
  - a. Method: HMIS Census
  - b. HMIS data is collected on all persons residing in Emergency Shelter and Transitional Housing.
  - c. Data collection will be facilitated by the HMIS Vendor
- E. Coordinated Entry

All HUD-funded projects, and others as required (i.e., State of Ohio funded projects), will accept all referrals through the local Coordinated Entry System.
- F. Performance Standards and Outcomes Evaluation
  - i. Performance Standards are calculated annually and established by the Homeless Clearinghouse.
  - ii. Performance Standards are recommended to the full CoC for approval and incorporation into local prioritization processes at the annual CoC Scoring Review meeting. The prioritization of programs to be submitted to HUD for funding in the CoC's annual application to HUD Funding allocations will be based, in part, on a project's performance in relation to these standards (e.g., project performed better/worse than established community average).
  - iii. Outcomes are evaluated at least annually through the CoC Prioritization funding process, as well as during annual CoC monitoring visit conducted by the UFA.

## VI. **Appointed Entities and HUD Required Processes**

### A. *Process*

Except as otherwise specified in this section, the process for entity appointment and/or review of HUD Required Processes will be as follows:

- i. The term of certification of an entity appointment will be presumed to be for a period of five (5) years.
- ii. However, appointed entity relationships may be terminated upon mutual agreement of the CoC and the appointee, or the relationship may be terminated for cause.
- iii. The CoC will (re)certify appointments based on the Homeless Clearinghouse recommendation every (5) five years, with the next recertification period beginning in **2025**.
  - a. Renewal of entity appointments and HUD Required Processes will be reviewed by the CoC each year and will be presumed to continue unless the subcommittee becomes aware of material issues of poor entity performance or poor completion of the HUD required process.



- b. The Clearinghouse will convene an Appointments Subcommittee in November and/or December of each calendar year to review for satisfactory performance of the appointed entity / HUD required process.
  - 1. If the Committee finds the performance to be satisfactory, it will make such report to the Clearinghouse. The Clearinghouse will announce review of the committee report by the December Clearinghouse meeting, which will be voted upon for the record during the month's consent agenda. In such case, no further action need be taken regarding the appointment until such time as the 5-year certification period is ready for renewal.
  - 2. If, however, the Appointments Subcommittee becomes aware of *material concerns* with the entity's performance or of the performance of the HUD required process during a given year, the subcommittee is to review and consider whether actions need to be taken and to, in turn, notify the Clearinghouse.
  - 3. The Subcommittee will advance a recommendation to the Clearinghouse upon which the Clearinghouse will vote at either the November or December Clearinghouse meeting of a given calendar year, or sooner if deemed an emergency matter.
  
- iv. The Homeless Clearinghouse will renew appointments or continue performance of HUD required processes based on satisfactory performance, which will be determined annually by the Appointments subcommittee based on the following each year.
  - a. Specific performance expectations for each appointment are to be outlined in MOUs and/or in Roles and Responsibilities Document incorporated herewith as Appendix C.
  - b. Specific performance expectations for each of the following particular entity appointments are to be outlined in any applicable MOUs and/or in the Roles and Responsibilities Document incorporated herewith as Appendix C.
    - 1. The CoC Collaborative Applicant (currently STEH)
    - 2. The Unified Funding Agency (currently STEH)
    - 3. The HMIS Vendor (currently BitFocus)
    - 4. The HMIS Lead Agency (currently STEH)
  - c. For the CoC to affect a termination "for cause," of an entity appointment or the termination of performance of a HUD required process by a given organization, a vote of 75% of the then-seated Homeless Clearinghouse must agree with the recommendation of the Appointment Subcommittee to terminate.
    - 1. If 75% of the then-seated Clearinghouse do vote to approve a "for

cause” termination, the CoC/Clearinghouse is to provide a minimum of 90 days advance notice of (intent to) terminate(ion) to the appointed entity.

2. In the event that the Appointments Subcommittee makes a recommendation for action short of termination, with which a majority of the Clearinghouse agrees, the CoC must provide the entity or organization performing the HUD required process (a reasonable number of) months to accomplish the required action or give notice that a change of designation will be made in the future or will be explored.

### ***B. Collaborative Applicant***

Strategies to End Homelessness, Inc. has been selected by the City of Cincinnati, Hamilton County and the CoC to act on behalf of the Cincinnati/Hamilton County Continuum of Care.

The collaborative applicant is the only entity that can:

- i. apply for a grant from HUD on behalf of the Continuum that the collaborative applicant represents.
- ii. apply for and receive CoC Planning Funds on behalf of the CoC.

The Collaborative Applicant is responsible for ensuring CoC participation in the Consolidated Plans for the jurisdictions within the CoC’s geographic area.

See Appendix C: Roles and Responsibilities Document for further details.

### ***C. Unified Funding Agency (UFA)***

Strategies to End Homelessness, Inc. has been selected by the Cincinnati/Hamilton County Continuum of Care to continue to apply for UFA designation by HUD in the annual CoC Registration process. Such designation may only be bestowed by HUD directly.

The UFA is the only entity that can:

- i. Apply for and receive a grant from HUD on behalf of the CoC that the UFA represents.
- ii. Apply for and receive CoC Planning Funds and UFA funds on behalf of the CoC.
- iii. Perform the duties of the UFA as outlined in the CoC Interim Rule.

See Appendix C: Roles and Responsibilities Document for further details. The document contains additional details regarding the parameters of how a “UFA” designation can be made by HUD.

### ***D. HMIS System***

The Homeless Clearinghouse is responsible for designating a single Homeless Management Information System for use in the community.

Currently, the HMIS System platform is Clarity by BitFocus.

#### ***E. HMIS Lead Agency***

Strategies to End Homelessness has been selected as the HMIS Lead Agency. Strategies to End Homelessness will enter a contract annually with the selected HMIS vendor for implementation and oversight of HMIS.

HMIS Lead roles outlined in the definitions of this Charter and its MOU are incorporated into this Charter.

The HMIS lead is responsible for ensuring that the designated HMIS is in compliance with the most current HMIS data standards.

HMIS policies and procedures will be reviewed and updated on an annual basis in accordance with HMIS data standards and HEARTH Act. The policies and procedures can be accessed through the Strategies to End Homelessness' websites.

See Appendix C: Roles and Responsibilities Document for further details.

#### ***F. Coordinated Entry Function***

Strategies to End Homelessness currently holds the annual HUD grant/award for conducting the HUD-required function of community-wide "Coordinated Entry."

See description herein above at II.B.3 Continuum of Care Planning responsibilities.

## **VII. General Provisions**

### ***A. Annual Document Review***

The Homeless Clearinghouse and full CoC membership will review this Charter annually to ensure it remains consistent with HUD's CoC Program requirements as well as CoC objectives and responsibilities.

### ***B. Record Keeping***

Proceedings of all CoC, Homeless Clearinghouse, and committee meetings are to be documented in minutes.

- i. Minutes of meetings are circulated to members of the relevant body and approved at the subsequent meeting of that relevant body.
- ii. The UFA is responsible for recording minutes for bi-annual meetings of the CoC, Homeless Clearinghouse meetings, and committee/workgroup meetings.
- iii. Minutes for all bodies will be disseminated by the UFA upon request.

The UFA will be the holder of all CoC, Homeless Clearinghouse, and committee/workgroup documentation and records.

### ***C. Amendments***

The members of the CoC will have the power to adopt, amend, or repeal provisions of this Governance Charter by a two-thirds (2/3) vote of the membership present at any meeting of the full CoC where such proposed action has been described in the notice of the meeting. Such amendments will then be reviewed by the full CoC membership at the annual Governance Meeting, as applicable if the amendment occurred throughout the year.

## **VIII. Appendices**

### ***A. Racial Equity Action Plan***

### ***B. Conflicts of Interest Policy***

### ***C. Roles and Responsibilities Document***

Draft Racial Equity Action Plan:  
Appendix A  
(8/11/21)

Beginning in February 2021, Strategies to End Homelessness engaged Racial Equity Partners (REP) to facilitate an effort to embed racial equity in all aspects of the organization's work. The initiative has been guided from its inception by a Racial Equity Working Group. A community-wide assessment and planning process included:

- Online survey
- Review of Communities Policy and Procedure and Governance Documents
- A series of client focus groups
- A series of key informant interviews
- Meetings with the Racial Equity Workgroup

Following the assessment, the process moved into a planning stage, during which the Racial Equity Workgroup came together for strategy sessions. Out of these sessions emerged this Racial Equity Action Plan to guide the community in its work to advance racial equity in our community's homelessness response system.

The plan is designed around five strategic priorities:

- Cross-Sector Collaboration
- Eviction/Homelessness Prevention/Landlord Engagement
- Focus on Latino Homelessness
- CoC Operations
- Training

This plan is intended to provide an operational roadmap to center racial equity. It will evolve and change over time as the community achieves success and meets challenges.

### Strategic Priority 1: Cross-Sector Collaboration

Goal: Improve collaboration to bridge gaps in services and ensure equitable treatment for people of color.

Key Activities	Action Steps & Timeline	Outcomes	Owner(s)	Notes
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<p>1.1 Develop strategies for cross-sector collaboration with the criminal justice/legal system</p>	<p>Identify task groups for a time-limited period to work across sectors (Within first quarter of 2022- February 2022)</p> <p>Central access point for communication across sectors for people served by multiple systems. Database like EPIC in the hospital system. (July 2022)</p> <p>Conduct systems mapping activity “Coordinated entry” to include legal system (March 2022)</p>	<p>Develop Crisis Intervention Team collaboration to address homelessness in areas most populated with clients experiencing homelessness</p> <p>Encourage ongoing collaboration with pretrial and probation services to aid with diversion from legal system</p> <p>Establish coordinated system to “catch” homeless clients while in jail and prior to release.</p> <p>Streamline service provider to arrive to nonviolent crime scene for intervention (LEAD collaboration?)</p> <p>Maintain data accrued by PIT count to observe areas most populated by individuals/families experiencing homelessness</p>	<p>Cincinnati Police Department</p> <p>Pretrial/Probation</p> <p>Social Worker at Public Defender’s office</p> <p>Community members and program collaboration</p>	<p>Workgroups such as HOG continue to develop rapport with CPD to assist with tracking high risk clients within the homeless community; Continuum rapport with LEAD through GCB</p>
<p>1.2 Develop strategies for cross-sector collaboration with education system</p>	<p>-Strengthen and expand Project Connect (January 2022)</p>	<p>Increase promotion of CAP line and resources in schools.</p> <p>-Establish appointment of CoC liaison to schools within district</p> <p>-Address training efforts regarding racial equity (how are specific cultures addressing homelessness)—addressing resources and visibility (collaborate with training committee)</p> <p>-Address CPS/JFS involvement/response and training (school) staff to communicate with families/ individuals experiencing homelessness</p>	<p>Project Connect collaboration</p> <p>Community members and program collaboration</p> <p>Mckinney Vento</p>	<p>Not Started Yet</p>
<p>1.3 Develop strategies for cross-sector collaboration with health system</p>	<p>Strengthen collaboration with Children’s Hospital for families; health system in general for other individuals (February 2022)</p> <p>-Identify (Strengthen) partnership opportunities with hospitals most commonly utilized by adults (513 Relief Bus, Healthy Moms and Babes, Mobile Mammography, Mobile Showering Units)- (January/February 2022)</p>	<p>Debunk association of health systems from pain and focus on preventative care, building trust within the system</p> <p>-Increase healthcare services within communities with high populations of homelessness or previously homeless individuals while increasing visibility of minority healthcare workers</p>	<p>Children’s Hospital Liaisons</p> <p>Cincinnati Health Network</p>	<p>Not Started Yet</p>
<p>1.4 Develop strategies for cross-sector collaboration with workforce development system (training &amp; jobs)</p>	<p>Discuss community resources/ opportunities for employment and job development for individuals experiencing homelessness address advocacy on governmental issues such as vouchers, hours worked (July 2022)</p> <p>-Collect data on barriers presented in the workplace (consult with Employment Subcommittee April 2022)</p>	<p>Provide improved transportation options</p> <p>-Assis with utilization of daycare services/ address Gap in before school and afterschool care</p>	<p>Core Team/ Employment Subcommittee</p> <p>JFS</p>	<p>The Employment Subcommittee aided with the development of a Job Fair with support from STEH, VA and The Freestore Foodbank in September 2022.</p>

1.5 Create a central access point for communication across sectors for people served by multiple systems	Examine databases like EPIC in the hospital systems as a potential model (Is this the same system used in legal system)- establish a committee by July 2022  -Explore FUSE Model-what is the FUSE Model (December 2022)	Establish accessible system that reports communication across sectors for individuals/families served by multiple systems	HMIS	Not Started Yet
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### Strategic Priority 2: Eviction/Homelessness Prevention/Landlord Engagement

Goal: Reduce the number of evictions of BIPOC in Hamilton County by 10%, using 2018/2019 as a baseline measure due to COVID in 2020/2021,. The proportion of evictions of people of color will match the proportion of the population of Hamilton County.

Key Activities	Action Steps & Timeline	Outcomes	Owner(s)	Notes
2.1 Use data-driven methods to identify where best to target resources	Obtain data on evictions in Ham Co disaggregated by race. (Feb 2022)  - Gather data from CAP and other sources on most common landlords evicting people of color (Feb 2022)  - Start gathering data from HMIS on where (zipcodes and landlord names) housing programs are placing clients, disaggregated by race (Oct 2021- completed)	Core Team will have a starting point as basis to determine progress on efforts throughout implementation	Collaborative effort with Core Team and HMIS	Added zipcodes to housing program HMIS Housing Move In Date;
2.2 Expand outreach to disenfranchised communities for homelessness prevention efforts.	Recruit more BIPOC with lived experience to participate in planning. (new CoC Board member?) (Jan 2022)  -Identify at least 2 funding sources to pay for stipends for lived experience participation (STEH Dev/Comm apply for grants) (Spring 2022)  -Provide updated Eviction Prevention resource list on a quarterly basis to BIPOC communities through 211 and other eviction prevention resources (ie financial assistance, wrap around services, tenant education) (Quarterly starting December 2022)	5 BIPOC w/ lived experience will participate in planning  -Stipend will be agreed upon by agencies in advance and be equitable between agencies  -BIPOC will be aware of and have access to eviction prevention resources within their communities	Agencies  STEH/Agencies  Communication with 211	Implementation of application for individuals with Lived Experience to serve at various meetings; community distribution of flyers for recruitment; interviewing process in process for hiring; identification of funding source; development of transportation resources to and from interviews. Racial Equity Core Team has identified an PWLX outside of the CoC to serve on the committee.

2.3 Create a Landlord Engagement strategy to increase and retain affordable housing units for BIPOC	<p>Identify Core Team member to participate on Ad Hoc Landlord Committee to represent interests of BIPOC (Oct 2021 – completed)</p> <p>-Improve access to CoC Landlord Risk Mitigation Fund (Feb 2022)</p> <p>-Engage community based groups to participate in efforts to identify landlords in specific geographic regions. (including former redlined districts and areas of high levels of gentrification) (Summer 2022)</p> <p>-Support LLs to increase efforts to recruit and house BIPOC individuals (Year 1)</p>	<p>CoC Wide LL Engagement efforts have a racial equity component</p> <p>-Increased access to LL RMF for BIPOC</p> <p>-At least 4 newly engaged groups in efforts annually (ongoing)</p> <p>-At least 10% increase in BIPOC housed in historically redlined districts each year</p>	Ad hoc LL Committee for all activities	Implementation and usage of Landlord Risk Mitigation Funding to assist with LL retention and recruitment; Ongoing meetings to discuss LL recruitment in the community to establish resolution to barriers
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**Strategic Priority 3: Focus on Latino Homelessness**

Goal: Understand the unique dimensions of homelessness among Hispanic/Latino people and develop a strategic response to Latino homelessness

Key Activities	Action Steps & Timeline	Outcomes	Owner(s)	Notes
3.1 Collect additional data analysis/research to understand the unique dimensions of homelessness among Hispanic/Latino people. (1st year)	<p>Gather data and map the process of housing access for Latinx and undocumented clients (End of 2022)</p> <p>-Identify where Latinx clients already being served and determine programs most often used by Latinx clients (End of 2022)</p> <p>-Coordinate with Project Connect to determine what school districts serve large populations of Latinx families. (End of 2022)</p>	<p>Acquire count of qualifying clients from each CoC agency.</p> <p>engage with programs outside of CoC to acquire count of qualifying clients.</p> <p>use information to determine next steps to best serve Latinx communities when navigating homelessness and acquiring housing</p> <p>Engage with project connect. to better serve Latinx families in school systems</p>	Committee members with access to Project Connect and entities that work first hand with Latinx clients	Not Started Yet
3.2 Work to repair trust with Latino community (1st year)	<p>Partner/hold listening sessions with Su Casa, Santa Maria, The Vineyard’s Healing Center, Project Connect identified schools/districts, other community programs (End of 2022)</p> <p>-Connect with Latino leaders in the community--the chamber, church leaders (End of 2022)</p>	<p>Establish a brief report summarizing insights from Hispanic community members and agencies that serve them.</p> <p>-Develop relationships with stakeholders and respected community leaders who can partner for next steps</p>		Engagement and recruitment of service providers with focus on the Latinx community to join Racial Equity committee

**Strategic Priority 4: COC Operations**

Goal: Center racial equity in our work with clients and partners and resource internal capacity to lead racial equity work

Key Activities	Action Steps & Timeline	Outcomes	Owner(s)	Notes
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<p>4.1 Select a new prioritization tool to replace or modify the VI-SPDAT or edit existing tool</p>	<p>Research what other communities are using (REP communities included) (Spring 2022)</p> <ul style="list-style-type: none"> <li>- Access details on “emerging tool” from NAEH conference (Jan 2022)</li> <li>- Contact Joyce McApline at Abt for input (completed Oct 2021)</li> <li>- Follow up with Chicago Lead, include CE leadership (Jan 2022)</li> <li>- Ask CE Workgroup to identify ways to tweak current assessment tool/prioritization policies to be more racially equitable (Spring 2022)</li> <li>- Pilot new tool/alterd VI-SPDAT with subgroup (summer 2022)</li> <li>- Gather feedback from people with lived experience on the updated tool(Summer 2022)</li> <li>- Work with HMIS team to incorporate changes to <u>Coordinated Access Project (Summer 2022)</u></li> </ul>	<p>Coordinated Entry Tool will result in an equitable spread of housing referrals for each program type.</p> <ul style="list-style-type: none"> <li>-Determine percentage of matched HHs to PSH/RRH by race breakdown will match general population percentage.</li> </ul>	<p>CE Workgroup, CE/RRH Leadership Team</p>	<p>Attendance and involvement at Statewide meetings surrounding CE system and development of new assessment tool specific to Hamilton County; documentation of race breakdown in match tracking; development of racial identification and guided measures in acuity tools (PE pilot) and Review Panel. Implementation of VI-SPDAT subcommittee to begin efforts to revitalize housing assessment tool for Hamilton County.</p>
<p>4.2 Revise the CoC Governance Charter to include a specific focus on racial equity</p>	<p>Ask Steering Team to identify areas of the Governance Charter where race equity could be included (Jan 2022)</p> <ul style="list-style-type: none"> <li>- Draft edits to Governance charter to include statement of race equity. (Jan 2022)</li> <li>- Include goal statement of making the Board and Steering Team more racially representative of the people served in the community. (Jan 2022)</li> <li>-Present final edits to Clearinghouse for approval (Jan 2022)</li> </ul>	<p>Cincinnati CoC Policies will reflect a specific focus on racially equitable outcomes for all people served in the CoC.</p>	<p>Steering Team</p>	<p>Governance charter edited to include race equity; recruitment of BIPOC and Folx with Lived Expertise to represent system wide; presented to CH for approval</p>

4.3 Make Racial Equity Committee a standing Committee within the Governance of the COC	<p>Ask Steering team to include on an upcoming agenda for CH to officially adopt RE Committee into the governance structure (Jan 2022)</p> <ul style="list-style-type: none"> <li>- Present to CH for approval (Jan 2022)</li> <li>- Establish an official chair/co-chair, minutes taker, STEH Liaison (Jan 2022)</li> <li>-Develop a mission statement/statement of work for the committee to clearly define roles and responsibilities (Feb 2022)</li> <li>-Consider suggestions for RE metric to Scoring (April 2022)</li> </ul>	Maintain a strong focus on race equity across the community through multi-level staff engagement	Core Team / Clearinghouse	RE Committee officially adopted by CH; Established CH approval; Chair and Co-Chair appointed
4.4 Hold annual leadership summit to engage community leaders in strategies to end homelessness for BIPOC (Spring 2022)	<p>Develop Goal Statement for a meeting of this type: what is the ask/purpose (Spring 2022)</p> <ul style="list-style-type: none"> <li>-Engage the mayor to push departments to make policy change. (Summer 2022)</li> <li>-Identify who will lead this meeting; bring in a consultant? (Spring 2022)</li> <li>-Make sure that Executive Directors are having quarterly touch-base (Fall 2022)</li> </ul>	Maintain a strong focus on race equity across the community through leadership level engagement	Steering Team	Not Started Yet

**Strategic Priority 5: Training**

**Goal: Equip the homeless services workforce in Hamilton County with the skills and knowledge needed to implement equity-based strategies in the homelessness response system.**

Key Activities	Action Steps & Timeline	Outcomes	Owner(s)	Notes
5.1 Provide ongoing Racial Equity / DEI Training	<p>Trauma Informed Care training in relation to Racism</p> <ul style="list-style-type: none"> <li>-Partner with other organizations focusing on Racial Equity in the Community</li> <li>-Create/implement "best practice" training for staff on Racial Equity/Fair Housing and tenant rights</li> <li>-Ongoing timeline</li> <li>- Provide first training in 2022</li> </ul>	Homeless services workforce receives Trauma Informed Care training highlighting trauma in relation to Racism	Strategies to End Homeless	Distribution of HUD training opportunities centered around racial equity distributed amongst workgroup

5.2 Increase the Number of Tenant Rights training opportunities	Create a landlord/tenant rights program in emergency shelters and outreach programs prior to placement in PSH or RRH  -Create training in 2022  -Implement by 2023	Each shelter resident receives training, education, and access to resources to advocate for their housing rights	Strategies to End Homelessness / Shelter Workgroup	Not Started Yet
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**2024**  
**Conflicts of Interest Policy**  
**Cincinnati Hamilton County Continuum of Care Board Members**  
**The Homeless Clearinghouse**

No member may participate in or influence discussions and/or decisions concerning the award of a grant or other financial benefits to the organization that the member represents or to themselves as individuals. Therefore, any individual participating in or influencing decision-making must identify actual or perceived conflicts of interest as they arise and comply with the letter and spirit of this policy. Disclosure should occur at the earliest possible time and if possible, prior to the discussion of any such issue. Individuals with a conflict of interest should abstain from discussion and on any issue in which they may have a conflict. A Conflict of Interest Policy will be approved by the Continuum of Care annually.

Annual written disclosure statements will be provided to each member. Members will not be permitted to participate in a discussion or a vote until the statement is on file with Strategies to End Homelessness. **Other than in matters involving a conflict requiring disclosure and recusal**, all members shall have the right to recuse themselves and/or abstain from voting on a matter without providing reason.

#### **Article I – Purpose**

- 1) The purpose of this CoC Board membership conflict of interest policy is to protect the Continuum of Care (CoC) and to emphasize the CoC's commitment to the highest standards of integrity, fairness and conduct so as to ensure the maximum public trust.
- 2) This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest applicable to nonprofit and charitable organizations.

The CoC Board Member Conflict of Interest Policy applies to all CoC Board Members (CoC Board Members, Committee Members, and Subcommittee Members). In their activities on behalf of and in their dealings with the CoC, it is the responsibility of each CoC Board Member to avoid any actual conflict of interest and the appearance of a conflict of interest. Each person to whom this policy applies must be free of any activity, association or investment which might influence, or give the appearance of interfering with, the independent exercise of his or her judgment in conducting the CoC's activities or in dealing with the CoC.

#### **Article II – Definitions**

- 1) **Interested person** – Any CoC Board Member who has a direct or indirect financial interest, as defined below, is an interested person.

**Conflict of Interest** - A conflict of interest may exist when the interests or activities of any member, director, or officer may be seen as competing with the interest and activities of the CoC; when the member, director or officer derives a financial or other material gain as a result of a direct or indirect relationship. Such conflicts are presumed to exist in those circumstances in which a member, director or officer's

actions may have a preferential impact upon the agency or entity employing the member or director. Such actions are presumed to include, but are not limited to, the development of policies in which a self-serving bias may be present as well as in decisions affecting the allocation of resources. Members of the Continuum of Care Board (CoC Board Members, Committee Members, and Subcommittee Members) may not participate in decisions concerning awards of (sub)awards and/or contract, provisions of financial benefits to such member or the member's organization, or implementing corrective actions as a result from CoC Collaborative Applicant monitoring activities of CoC and ESG activities. They must excuse themselves from the decision making process. This shall not be construed to prevent such person or organization from providing their perspective and having an opportunity to be heard on a particular issue, so long as any final discussion and voting on the matter is held in an appropriate executive session without such person or organization present.

- 2) **Financial interest** – A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:
  - a. An ownership or investment interest in any entity with which the CoC has a transaction or arrangement;
  - b. A management position in any entity which has a financial interest, such as serving on the Board of an organization with a financial interest in the CoC;
  - c. A compensation arrangement with the CoC or with any entity or individual with which the CoC has a transaction or arrangement; or
  - d. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the CoC is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial. A financial interest is not necessarily a conflict of interest. A person who has a financial interest may have a conflict of interest only if the Board decides that a conflict of interest exists, in accordance with this policy.

### **Article III – Procedures**

- 1) **Duty to Disclose** – In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the conflict and/or financial interest and be given the opportunity to disclose all material facts to the Board.

**Recusal of Self** – Any CoC Board Member has a duty to recuse himself or herself at any time from involvement in any decision or discussion in which the member believes he or she has or may have a conflict of interest, without going through the process for determining whether a conflict of interest exists. This shall not be construed to prevent such person or organization from providing their perspective and having an opportunity to be heard on a particular issue, so long as any final

discussion and voting on the matter is held in an appropriate executive session without such person or organization present.

- 2) **Identifying Where a Conflict of Interest May Exist** – The Board shall review all Conflict of Interest Annual Statements to identify where a conflict of interest may exist.
- 3) **Violations of the Conflicts of Interest Policy**
  - a. If the Board has reasonable cause to believe a CoC Board Member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
  - b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Board determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

#### **Article IV – Records of Proceedings**

The minutes of the Board shall contain the names of all of the CoC Board Members (CoC Board Members, Committee Members, and Subcommittee Members) in attendance, who made a motion, who seconded, that the yes count was sufficient to carry, the names of those who voted 'no,' and, and the names of those who abstained.

#### **Article V – Annual Statements**

- 1) Each CoC Board Member (CoC Board Members, Committee Members, and Subcommittee Members) shall annually sign a statement which affirms such person:
  - a. Has received a copy of the conflict of interest policy;
  - b. Has read and understands the policy; and
  - c. Has agreed to comply with the policy.
- 2) If at any time during the year, the information in the annual statement changes materially, the CoC Board Member shall disclose such changes and revise the annual disclosure form at the earliest opportunity.
- 3) The Board shall regularly and consistently monitor and enforce compliance with this policy by reviewing annual statements and taking such other actions as are necessary for effective oversight.

#### **VI – Exceptions and Changes to Policy**

The CoC reserves the right to make an exception to this policy and procedures based on communication from the Department of Housing and Urban Development (HUD) that impact the CoC's ability to carry out the policy and procedures as described above. The CoC also reserves the right to amend this policy on an annual basis.



## APPENDIX C

### **Cincinnati/Hamilton County Continuum of Care for the Homeless (OH-500). Lead Agency, HMIS Lead Agency & Unified Funding Agency Roles and Responsibilities**

This document outlines the roles and responsibilities of any organization serving as the HUD required Homelessness Continuum of Care (CoC) Lead Agency, HMIS Lead Agency, or Unified Funding Agency (UFA) for the Hamilton County community. This document is created to clarify the roles and responsibilities for these important functions in order to better orient new members of the CoC and to assist the CoC board of directors (the "Clearinghouse") in decision making related to carrying out their CoC oversight and planning duties.

#### **Background Information**

- In 1995, the first year CoC funding was available, the City of Cincinnati submitted a CoC application to HUD and was denied funding.
  - From 1996 to 2007, the annual CoC application was compiled by The Partnership Center Limited (PCL), a for-profit corporation.
  - In 2006, the HEARTH Act was proposed in Congress, with the requirement that CoCs be administered by either a unit of local government or a non-profit organization.
  - In 2007, the Homeless Clearinghouse voted that a new non-profit organization that did not itself run CoC-funded housing programs should administer the Cincinnati/Hamilton County CoC. This new organization was incorporated and named the *Cincinnati/Hamilton County Continuum of Care for the Homeless, Inc.*
  - In 2008, *CoC, Inc.* became the CoC Lead Agency, a designation that did not exist until the HEARTH Act was passed. At the same time, the Homeless Clearinghouse was designated as the CoC Board for Cincinnati/Hamilton County, also a designation that did not exist until the HEARTH Act was passed.
  - In 2008, *CoC, Inc.* began administering ESG and HOPWA funding on behalf of the City of Cincinnati.
  - In 2008, Bethany House began operating the Central Access Point (CAP), but turned over operations of CAP to *CoC, Inc.* in 2009.
  - In 2012, *CoC, Inc.* changed its name to Strategies to End Homelessness
  - In 2015, Strategies to End Homelessness began administering funding from the Hamilton County Indigent Care Levy.
  - In 2016, Strategies to End Homelessness became a Unified Funding Agency (UFA),
  - In 2018, Strategies to End Homelessness became the HMIS Lead Agency for the CoC, taking over this responsibility from the Partnership Center Limited (PCL) when the Homeless Clearinghouse chose Clarity HMIS by Bitfocus as the CoC's new Homeless Management Information System (HMIS).
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- CoC Lead Agency: The selection of the agency to perform these responsibilities is the duty of the local CoC Board (aka Homeless Clearinghouse) and could be transferred if necessary to another non-profit organization or unit of local government. STEH performs these responsibilities on behalf of the CoC/Clearinghouse
  - HMIS Lead Agency: The selection of the agency to perform these responsibilities is the duty of the local CoC Board (aka Homeless Clearinghouse) and could be transferred if necessary to another non-profit organization or unit of local government. STEH performs these responsibilities on behalf of the CoC/Clearinghouse.



- Unified Funding Agent status and responsibilities: Designation as a UFA is granted by HUD to an individually applying agency. In Hamilton County, the Clearinghouse made a decision that a move from Lead Agency to a UFA CoC was desired and asked STEH to apply for this status. HUD granted UFA status to STEH, rather than the CoC, based on STEH's internal financial controls and monitoring capacity. Transfer of UFA status to another organization can only be granted by HUD. Maintaining UFA status requires an annual re-application to HUD to confirm UFA designation.
  - STEH programs and responsibilities: Specific programs were created by and are the exclusive responsibility of STEH. As proprietary activities, no entity, including the Clearinghouse, can obligate STEH to transfer such responsibilities to another entity.
  - The roles and responsibilities of the Homeless Clearinghouse for The Cincinnati/Hamilton County Continuum of Care (CoC) is defined by the CoC Governance Charter. Please refer to that document for additional detail on the Homeless Clearinghouse.
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## **Responsibilities by Role**

### **I. Homeless Management Information System (HMIS) Lead Agency Data Services**

- a. Ongoing contracting with an HMIS software provider for a HUD-mandated HMIS.
- b. Data reconciliation and verification of data generated by the HMIS system to accommodate various funding reports submitted by the City of Cincinnati.
- c. Serve as a liaison between the City Department of Community and Economic Development staff and HMIS data services staff on data collecting/reporting.
- d. Coordinate with the HMIS software provider on updated data collection/reporting issues as needed and communicate necessary information to individual agencies.
- e. Complete the annual submission of the Point in Time Count and the Housing Inventory Count
- f. Produce HUD required reporting, including Point in Time Count (PIT), Housing Inventory Chart (HIC), Annual Homeless Assessment Report (AHAR), Longitudinal System Analysis, System Performance Measures and any other reports required by HUD.

### **II. Cincinnati/Hamilton County Continuum of Care (CoC) Lead Agency Grant & Program-Specific Activities**

#### **1. Process and Grant Development**

- a. Serve as Unified Funding Agency for the Cincinnati/Hamilton Continuum of Care (OH 500) in accordance with 24 CFR part 578
- b. Determine renewal eligibility, and coordinate with HUD and providers.
- c. Facilitate renewal documentation process and provide limited evaluation assistance.
- d. Communicate the annual CoC Process & develop/release a timeline for the CoC process.
- e. Ensure that people with lived experience of homelessness have input into the functioning of the homeless services system, especially regarding gaps in the system.
- f. Facilitate new program design and conduct meetings as necessary for implementation based on funding availability, trends, and quality improvement initiatives.
- g. Manage the community prioritization process for new and renewal programs.
- h. Facilitate priority setting process (large group scoring) and communicate results in written form in a timely manner.
- i. Develop the format for participating organizations to provide required information for grant preparation (program descriptions, leverage, and match).
- j. Ensure that all sub-recipient organizations utilizing CoC funds are contributing HUD required data into the Homeless Management Information System (HMIS) utilized by the Cincinnati/Hamilton County CoC (OH-500), and that utilization of HMIS is a requirement of utilizing HUD CoC funds.

- k. Production and submission of the Consolidated CoC Application to HUD.
  - i. Facilitate a homeless housing (HIC) and street count (PIT) annually as required by HUD for the grant application and ensure annual e-HIC (Housing Inventory Chart) is completed and timely submitted electronically to HUD.
  - ii. Document project priorities for the grant application
  - iii. Collect, edit, and document renewal project match
  - iv. Document discharge planning policies
  - v. Document service activity in relation to homelessness prevention, outreach, shelter, transitional housing, rapid re-housing and permanent supportive housing for persons experiencing homelessness.
  - vi. Document participation in the designated Homeless Management Information System (HMIS), either through direct data entry or Automated Program Interface (API).
- l. Facilitate electronic submission of the Continuum of Care application in e-SNAPS by deadline in NOFA.
- m. Provide Consolidated CoC Application to the City for reproduction and post on STEH website for community access.
- n. Participate in HUD Webcasts regarding the Continuum of Care.
- o. In coordination with agencies, complete and submit all project applications in the CoC Consolidated application.
- p. Participate in annual CoC Competition de-briefing process.
- q. Facilitate Environmental Review process for selected projects

**2. Year-round Technical Assistance and Support**

- a. Provide assistance and support to agencies, as requested. Additional TA may be requested from a HUD Technical Assistance provider.
- b. Research, identify and train on best practices which serve to improve continuum outcomes, thus making the CoC more competitive in the application process.
- c. Provide year round support and facilitation services for the Continuum of Care Homeless Clearinghouse and] workgroups of the Continuum including:
  - i. Family Housing Workgroup
  - ii. Homeless Outreach Group
  - iii. CoC Data Workgroup
  - iv. Permanent Supportive Housing Group
  - v. Rapid Re-Housing & Transitional Housing Workgroup
  - vi. Youth Homelessness Workgroup
  - vii. Veterans Workgroup
  - viii. Coordinated Entry Workgroup
- d. Provide year round support and facilitation for sub-committees of the CoC Board (Homeless Clearinghouse):
  - i. Steering Team
  - ii. Monitoring Subcommittee
  - iii. Scoring Subcommittee
- e. Year-round representation of the CoC in community meetings and events.

3. **Planning activities-** eligible planning costs include the costs of:
  - a. Developing a communitywide or region-wide process involving the coordination of 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 veterans, and homeless and formerly homeless individuals;
  - b. Determining the geographic area that the Continuum of Care will serve;
  - c. Developing a Continuum of Care system;
  - d. Evaluating the outcomes of projects for which funds are awarded in the geographic area, including the Emergency Solutions Grants program;
  - e. Participating in the consolidated plan(s) of the jurisdiction(s) in the geographic area; and
  - f. Preparing and submitting an application to HUD on behalf of the entire Continuum of Care membership, including conducting a sheltered and unsheltered point-in-time count and other data collection as required by HUD.
  - g. Monitoring costs. The costs of monitoring recipients and subrecipients and enforcing compliance with program requirements are eligible.
  
4. **Other CoC Activities**
  - a. Facilitate the Youth Homelessness Demonstration Project
  - b. Serve as liaison with HUD Field office and Washington, D.C. on homeless program and regulatory issues.
  - c. Maintain a system within the CoC to certify homelessness, as required by HUD standards, in use by all grantees and by all homeless persons in the community.
  - d. Facilitate multi-system coordination and access to mainstream resources with Mental Health and Recovery Services Board, Hamilton County Jobs and Family Services, and others as needed.
  - e. Facilitate appropriate discharge planning requirements.
  - f. Facilitate CoC access to mainstream resources.
  - g. Maintain a master CoC mailing list, email list, and phone list.
  - h. Intervention and technical assistance services on special homelessness related issues on an as needed basis to City/County/Agency staff.
  
5. **Operate the HUD mandated Coordinated Entry System on behalf of the CoC.**

Hamilton County's Coordinated Entry system has three parts:

  - a. Centralized Shelter Intake (Central Access Point)
    - i. Operate the Central Access Point hotline 7 days per week to make appropriate placements, emergency shelter, shelter diversion and other homeless services projects
  - b. Coordinated Entry for Housing
    - i. Train new staff on completing VI-SPDAT surveys
    - ii. Convene regular Coordinated Entry meetings with community staff and partners
    - iii. Provide Technical Assistance to agency partners on complying with Coordinated Entry system and HUD regulations
    - iv. Regular data quality monitoring of HMIS Coordinated Entry project
    - v. Attend other community meetings to facilitate Coordinated Entry system
  - c. Coordinated Exit (using Housing Choice Vouchers in collaboration with CMHA)

### III. Unified Funding Agent

1. If the Cincinnati/Hamilton County CoC (OH-500) returns to operating without a HUD-designated Unified Funding Agent, each CoC funded agency would be responsible for the following, which are currently completed by STEH:

- a. Completion of individual project applications in HUD's eSNAPS system.
- b. Submission of individual project Annual Progress Reports in HUD's Sage system.
- c. Contracting for funding directly with HUD.
- d. Completion of Line of Control Credit System (LOCCs) draws in Secure Systems
- e. Completion of the post-award process with HUD, including resolving HUD-identified issues and conditions (e.g. Indirect cost base, MOU, cash match, other questions/requirements from HUD)
- f. Monitoring directly by HUD in the GDX system.
- g. Also, the following flexibilities would not be available without the presence of a UFA:

Funding could not be recaptured and reallocated between CoC funded organizations. Would be limited to within individual projects, not within the entirety of the CoC award.

No flexibility outside of individual project applications (e.g. the 10% shift of funding between approved activities)

- h. Monitoring & Risk Assessment for federally funded projects
  - i. Carry out monitoring and oversight responsibilities related to STEH role as HUD-designated Unified Funding Agency.
  - ii. Maintain and execute a risk assessment procedure for all federally funded projects and agencies. Risk is assessed at the agency and project-level based on a variety of data sources including financial statement and single audits, prior monitoring experience, performance, annual reports, HMIS data, or feedback from clients or other organizations.
  - iii. Plan and execute remote and on-site monitoring procedures in accordance with assessed risk. Remote monitoring may, and on-site monitoring will, include the review of selected source documentation supporting charges to the grant. The quantity of source documentation required varies in relation to assessed risk; not every recipient/subrecipient will submit source documentation for every charge on every reimbursement request submitted to the City, though at minimum, an itemized report of grant expenditures is required. Transactions may be selected from this report for compliance testing.
  - iv. Implement conditions, remedies, and/or sanctions as appropriate for poor performers and/or high risk recipients/subrecipients, as outlined in 2 CFR Part 200, Uniform Guidance.
- i. Complete all project applications necessary to apply to HUD for funding for all of the projects within the geographic area.
- j. Enter into a grant agreements with HUD for the entire geographic area.
- k. Enter into legally binding agreements with subrecipients, and receive and distribute funds to subrecipients for all projects within the geographic area.

- I. Require subrecipients to establish fiscal control and accounting procedures as necessary to assure the proper disbursement of and accounting for federal funds in accordance with the requirements of 2 CFR part 200, subpart D.
- m. Obtain approval of any proposed grant agreement amendments by the Continuum of Care before submitting a request for an amendment to HUD.
- n. Requirements for pass-through entities
  - i. Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the following information at the time of the subaward and if any of these data elements change, include the changes in subsequent subaward modification. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward. Required information includes:
    - ii. Federal award identification.
    - iii. Subrecipient name (which must match the name associated with its unique entity identifier);
    - iv. Subrecipient's unique entity identifier
    - v. Federal Award Identification Number (FAIN)
    - vi. Federal Award Date (see the definition of Federal award date in §200.1 of this part) of award to the recipient by the Federal agency
    - vii. Subaward Period of Performance Start and End Date
    - viii. Subaward Budget Period Start and End Date
    - ix. Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient
    - x. Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current financial obligation
    - xi. Total Amount of the Federal Award committed to the subrecipient by the pass-through entity
    - xii. Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA)
    - xiii. Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity
    - xiv. Assistance Listings number and Title; the pass-through entity must identify the dollar amount made available under each Federal award and the Assistance Listings Number at time of disbursement
    - xv. Identification of whether the award is R&D
    - xvi. Indirect cost rate for the Federal award (including if the de minimis rate is charged) per §200.414.
- o. All requirements imposed by the pass-through entity on the subrecipient so that the Federal award is used in accordance with Federal statutes, regulations and the terms and conditions of the Federal award
- p. Any additional requirements that the pass-through entity imposes on the subrecipient in order for the pass-through entity to meet its own responsibility to the Federal awarding agency including identification of any required financial and performance reports
- q. An approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government. If no approved rate exists, the pass-through entity must determine the appropriate rate in collaboration with the subrecipient, which is either:
  - i. The negotiated indirect cost rate between the pass-through entity and the subrecipient; which can be based on a prior negotiated rate between a different PTE and the same subrecipient. If basing the rate on a previously negotiated

- rate, the pass-through entity is not required to collect information justifying this rate, but may elect to do so
- ii. The de minimis indirect cost rate.
  - r. The pass-through entity must not require use of a de minimis indirect cost rate if the subrecipient has a Federally approved rate. Subrecipients can elect to use the cost allocation method to account for indirect costs in accordance with §200.405(d).
  - s. A requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient's records and financial statements as necessary for the pass-through entity to meet the requirements of this part; and
  - t. Appropriate terms and conditions concerning closeout of the subaward.
  - u. Evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring described in paragraphs (d) and (e) of this section, which may include consideration of such factors as:
    - iii. The subrecipient's prior experience with the same or similar subawards
    - iv. The results of previous audits including whether or not the subrecipient receives a Single Audit in accordance with Subpart F of this part, and the extent to which the same or similar subaward has been audited as a major program
    - v. Whether the subrecipient has new personnel or new or substantially changed systems; and
    - vi. The extent and results of Federal awarding agency monitoring (e.g., if the subrecipient also receives Federal awards directly from a Federal awarding agency).
  - v. Consider imposing specific subaward conditions upon a subrecipient if appropriate as described in §200.208.
  - w. Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Pass-through entity monitoring of the subrecipient must include:
    - vii. Reviewing financial and performance reports required by the pass-through entity.
    - viii. Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the subrecipient from the pass-through entity detected through audits, on-site reviews, and written confirmation from the subrecipient, highlighting the status of actions planned or taken to address Single Audit findings related to the particular subaward
    - ix. Issuing a management decision for applicable audit findings pertaining only to the Federal award provided to the subrecipient from the pass-through entity as required by §200.521.
    - x. The pass-through entity is responsible for resolving audit findings specifically related to the subaward and not responsible for resolving crosscutting findings. If a subrecipient has a current Single Audit report posted in the Federal Audit Clearinghouse and has not otherwise been excluded from receipt of Federal funding (e.g., has been debarred or suspended), the pass-through entity may rely on the subrecipient's cognizant audit agency or cognizant oversight agency to perform audit follow-up and make management decisions related to cross-cutting findings in accordance with section §200.513(a)(3)(vii). Such reliance does not eliminate the responsibility of the pass-through entity to issue subawards that conform to agency and award-specific requirements, to manage risk through

ongoing subaward monitoring, and to monitor the status of the findings that are specifically related to the subaward.

- x. Depending upon the pass-through entity's assessment of risk posed by the subrecipient (as described in paragraph (b) of this section), the following monitoring tools may be useful for the pass-through entity to ensure proper accountability and compliance with program requirements and achievement of performance goals:
  - xi. Providing subrecipients with training and technical assistance on program-related matters; and
  - xii. Performing on-site reviews of the subrecipient's program operations
  - xiii. Arranging for agreed-upon-procedures engagements as described in §200.425.
- y. Verify that every subrecipient is audited as required by Subpart F of this part when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in §200.501.
- z. Consider whether the results of the subrecipient's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity's own records.
- aa. Consider taking enforcement action against noncompliant subrecipients as described in §200.339 of this part and in program regulations.