



# **North Dakota-500 Statewide Continuum of Care Governance Charter and Bylaws**

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CoC Board Approval: April 19, 2021  
CoC Membership Approval: May 5, 2021

Next Review: April 2022

**I. Mission**

Working together to ensure homelessness in ND is rare, brief, and non-recurring.

**II. Overview**

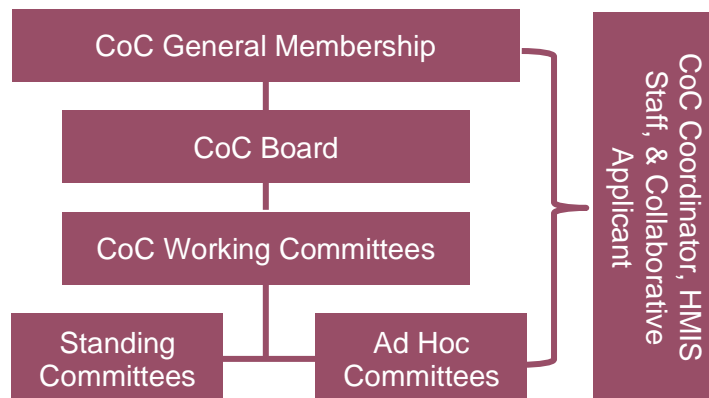
- A. The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), enacted into law on May 20, 2009, codifies into law the Continuum of Care (herein CoC) planning process. The CoC planning body is a group organized to carry out the responsibilities prescribed in the CoC Program Interim Rule. CoC governance responsibilities include:
  - 1. Planning for and operating the CoC;
  - 2. Ensuring compliance with HUD requirements and regulations;
  - 3. Coordinating the implementation of a housing and service system that meets the needs of the individuals and families who experience homelessness, including prevention and diversion strategies, outreach and engagement, coordinated assessment, entry and exit, crisis shelter, emergency shelter, temporary housing, permanent housing, and supportive services; and
  - 4. Designing and implementing the process associated with applying for HUD CoC Program funds.
- B. This Governance Charter outlines the roles and responsibilities of the North Dakota Statewide CoC General Membership Committee (herein CoC Membership), CoC Board of Directors (herein Board), Continuum of Care working committee(s), the Collaborative Applicant (CA), and the Homeless Management Information System (herein HMIS) Lead Agency (herein LA). This Governance Charter was developed by the CoC Board, CA, and HMIS LA with input and feedback from CoC Membership including homeless housing and service providers in the CoC geography.

**III. Geographic Area**

The CoC geographic area encompasses all 53 counties, its cities, towns, and unincorporated areas, as well as the five federally recognized tribes in the state of North Dakota.

**IV. Organizational Structure**

The CoC is composed of representatives of relevant public and private organizations that come together to plan for and provide a homeless response system that is dedicated to preventing and ending homelessness in the state of North Dakota. The CoC’s organizational structure is multi-tiered to ensure the opportunity for broad input throughout the state and across stakeholders, while designating staff and leadership to carry out the specific goals and responsibilities of the CoC.



## **A. General Membership**

1. The North Dakota-500 Statewide CoC (herein ND CoC) is the unincorporated organization created to fulfill the responsibilities of the HEARTH Act and serve as the planning body dedicated to organizing the statewide plan to prevent and end homelessness. The CoC Membership Committee ensures a statewide commitment to preventing and ending homelessness and must represent a diverse body of stakeholders geographically and throughout the homeless response system. The CoC will strive to have the following stakeholders represented in its membership:
  - a. Homeless Assistance Providers including CoC and ESG recipients (HUD required)
  - b. Public Housing Authorities (HUD required)
  - c. Persons with Lived Experience (HUD required)
  - d. Educational entities including early education, public schools, (both HUD required) and post-secondary
  - e. Representative from agencies and advocates serving all populations/subpopulations (families, youth, domestic violence, veterans, chronic homeless/disabled, etc.)
  - f. Faith Organizations
  - g. Affordable Housing Owners/Developers
  - h. Funders
  - i. Health and Mental Health Care Providers
  - j. Human/Social Service Providers
  - k. Law enforcement and corrections
  - l. Income, Employment, and Training Programs
  - m. Treatment and Substance Abuse Providers
  - n. Legal Services
  - o. Other relevant and interested parties
2. Responsibilities:
  - a. Provide input into the annual CoC plan
  - b. Provide input into the design and evaluation of the North Dakota homeless response system
  - c. Approve Governance Charter changes
  - d. Elect members to the CoC Board to act on behalf of the CoC at the last full membership meeting of the calendar year
  - e. Approve the HMIS LA
  - f. Approve the HMIS Vendor
  - g. Approve the CoC Collaborative Applicant

## **B. Board**

1. The Board serves as the HUD designated primary decision-making group and oversight Board of the ND CoC. As the oversight committee of the CoC, and its members, the Board will:
  - a. Ensure that the ND CoC is meeting all responsibilities assigned to it by HUD regulations (see below);
  - b. Represent the relevant organizations and projects serving homeless subpopulations;
  - c. Support persons experiencing homelessness in their movement from homelessness to economic stability and affordable permanent housing within a supportive community;
  - d. Ensure that the ND CoC is inclusive of all needs of the statewide homeless population, including the special service and housing needs of homeless subpopulations; and
  - e. 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.
2. **Responsibilities:** *(per Federal Interim Rule 24 CFR 578)* As the designated governing body of the CoC for the geographic area, the Board works with the CoC CA (North Dakota Housing Finance Agency) to fulfill three major duties:
  - a. Operate the CoC, which must:
    - Hold meetings of the full membership, with published agendas, at least semi-annually;
    - 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 Board members to act on behalf of the CoC. The process must be reviewed, updated, and approved by the CoC Membership at least once every five years;
    - Appoint committees, subcommittees, or workgroups as may be deemed necessary;
    - In consultation with the CoC CA, develop, follow, and update annually a CoC Governance Charter and present to the CoC Membership for approval;
    - In consultation with the CoC CA and the HMIS Lead, develop, follow, and update annually all procedures and policies needed to comply with CoC requirements as prescribed by HUD; and a code of conduct and recusal process for the Board, its chair(s), any person acting on behalf of the Board, and the Scoring and Ranking Committee;
    - Consult with recipients and subrecipients of CoC funding to establish performance targets appropriate for population and program type, monitor recipient and subrecipient performance, evaluate outcomes, and act against poor performers;
    - Evaluate outcomes of projects funded under the North Dakota Emergency Solutions Grants program (herein ESG) and the CoC program, and report to HUD;

- In consultation with the CA, the HMIS Lead, and recipients of ESG funds, establish and operate a centralized or coordinated assessment system that provides an initial, comprehensive assessment of the needs of individuals and families for housing and services; and
  - In consultation with recipients of ESG funds within the geographic area, establish and consistently follow written standards for providing assistance. At a minimum, these written standards must include:
    - Policies and procedures for evaluating individuals' and families' eligibility for CoC assistance;
    - Policies and procedures for determining and prioritizing which eligible individuals and families will receive transitional housing assistance;
    - Standards for determining what percentage or amount of rent each program participant must pay while receiving rapid rehousing assistance;
    - Policies and procedures for determining and prioritizing which eligible individuals and families will receive permanent supportive housing assistance; and
    - 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.
- b. Oversee the designated Homeless Management Information System (HMIS):
- Propose a single HMIS for the geographic area to the CoC Membership for approval;
  - Propose an eligible applicant to manage the CoC's HMIS, which will be known as the HMIS LA;
  - Review, revise, and approve a privacy plan, security plan, and data quality plan for the HMIS;
  - Ensure consistent participation of recipients and subrecipients of CoC and ESG funding in the HMIS;
  - Ensure the HMIS is administered in compliance with requirements prescribed by HUD; and
  - Ensure that an MOU is in place with the HMIS LA.
- c. Continuum of Care Planning: Ensure the CoC develops a plan that includes:
- 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. At a minimum, such system will encompass the following:
    - Outreach, engagement, and assessment;
    - Shelter, housing, and supportive services;
    - 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:

- 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;
- Persons living in emergency shelters and transitional housing projects must be counted as sheltered homeless persons;
- Annual Housing Inventory Count; and
- 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; and
- Consulting with state and local government ESG program recipients for allocating ESG funds and reporting on and evaluating the performance of ESG recipients and subrecipients.

### **C. CoC Working Committees**

1. Standing Committees: The CoC has four standing committees to support the CoC in achieving its goals and responsibilities with at least one CoC Board member serving as liaison to each committee. These include:
  - a. System Performance is a standing committee under the oversight of the Board. The committee is responsible for:
    - Taking the lead in establishing performance measures for ESG and CoC Programs;
    - Reviewing outcomes for ESG and CoC Programs;
    - Regularly monitoring system-wide performance targets and leading discussion on updating/adjusting measures; and
    - Providing input to data committee on desired data input.
  - b. Data is a standing committee under the oversight of the Board. The Data Committee is responsible for:
    - Conducting an annual count of both sheltered and unsheltered homeless persons;
    - Monitoring the Homeless Management Information System (HMIS) in coordination with the CA and HMIS LA;
    - Reviewing and making recommendations for improved data quality and completeness;
    - Annually review program's HMIS privacy, security, and data quality;
    - Assure HMIS is administered in compliance with HUD; and
    - Collect and provide data needed for regional and statewide planning.
  - c. CARES is a shared committee under the oversight of the Board with joint leadership from the West Central Minnesota Continuum of Care. Members are elected by the CoC. CARES is responsible for:

Supporting the CoC in assuring the region has a Coordinated Assessment (CA) system that is compliant with HUD and state policies/regulations. This includes:

- Conducting annual reviews of system design, policies, and outcomes, and making recommendations for improvements;
  - Supporting CoC leadership in establishing communication, structure, policies and training materials that support compliance with HUD regulations; and
  - Promoting CARES compliance and implementation across the state.
- d. Rating and Ranking is a standing committee under the oversight of the Board. The Rating and Ranking Committee is responsible for:
- Updating CoC policies for the annual HUD Continuum of Care Competition and presenting them to the CoC Board and CoC Membership for vote;
  - Conducting an annual review of all projects applying for the HUD Continuum of Care Competition using established criteria;
  - Ranking projects according to criteria and placing them in a recommended funding order by tier and presenting ranking recommendations to the CoC Board and membership for vote.
2. Sub-Committees/Groups: Ad Hoc working groups, task forces, and sub-committees may be created as needed by the Board. Minutes of these committees/groups will be presented to the Board. When possible, a Board member or the CoC Coordinator should be present.

#### **D. Collaborative Applicant**

1. The CoC CA is required by HUD to submit an annual Consolidated Application. The CoC will approve a Collaborative Applicant and enter into a Memorandum of Understanding (MOU) signed by the CoC Chair.
2. **Responsibilities:** The CA will help carry out the responsibilities of the CoC. Specific duties will be laid out in the MOU, but generally include:
  - a. Hire a CoC Coordinator and other staff as necessary;
  - b. Lead in the development of the annual HUD Consolidated Application;
  - c. Manage the CoC annual calendar, email list, and website;
  - d. Provide guidance and support to the CoC planning process and leadership; and
  - e. Support compliance with the HEARTH Act and other HUD policies, rules, or regulations related to operating a CoC, homeless response system, and Homeless Management Information System.
3. The designation of the CA is valid for a maximum of five years (2020, 2025, 2030, . . .) before the designation must be reviewed and renewed by the CoC Board. No requirement for a Request for Proposal (RFP) will be made if no other agencies are interested and this step is unnecessary. In response to negligence or poor performance of the CoC CA, the CoC reserves the right to open an RFP process prior to the five-year mark and designate a new CoC CA.
4. **Record Keeping.** The CA is responsible for keeping records documenting compliance with HUD requirements, including evidence that:

- a. The CoC Board meets the requirements of the CoC Program Interim Rule, including:
  - Approved copy of a governance charter establishing the Board and including a written process to select a Board that is reviewed and updated at least every five years; and
  - Board roster (or similar) showing that it is representative of the relevant organizations and of projects serving homeless subpopulations and that it includes at least one homeless or formerly homeless individual.
- b. The CoC has been established and operated as set forth in the CoC Regulations, including:
  - Published agendas and meeting minutes;
  - Evidence of designation of a single HMIS for the CoC; and
  - Monitoring reports of recipients and subrecipients.
- c. The CoC has prepared the application for funds in compliance with the CoC Program Interim Rule.
- d. The Board is compliant with HUD's conflict of interest requirements, including having a conflict of interest policy signed by all members.

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

1. The CoC must designate a legal entity who is also a Continuum of Care Program eligible applicant to serve as the HMIS LA.
2. **Responsibilities:** The HMIS Lead will maintain the ND CoC's HMIS in compliance with HUD standards and coordinate all related activities including training, maintenance, and the provision of technical assistance to contributing organizations. Specific responsibilities required by the Continuum of Care Interim Rule and any additional responsibilities are documented in the Homeless Management Information System Lead Memorandum of Understanding.
3. The designation of the HMIS Lead is valid for a maximum of five years before the designation must be reviewed and renewed by the CoC Board. No requirement for a Request for Proposal (RFP) will be made if no other agencies are interested and this step is unnecessary. In response to negligence or poor performance of the HMIS Lead, the CoC reserves the right to open an RFP process prior to the five-year mark and designate a new HMIS Lead.

#### **F. CoC Coordinator**

The CoC Coordinator provides guidance and direct support to the ND CoC Board in carrying out CoC planning and compliance activities.

### **V. Membership**

#### **A. General Membership**

1. The membership of the ND CoC is defined as those persons and organizations participating in the work of the CoC through committee or workgroup service, planning, other relevant stakeholders, or those who are experiencing homelessness (24CFR Subpart B 578.5) who sign an annual membership agreement committing to regular participation and representation at all ND CoC meetings.
2. All members must sign a Code of Conduct/Conflict of Interest document as part of an annual membership agreement. While membership is open throughout the



year, the CoC will conduct an annual membership drive in alignment with the annual meeting each year.

a. Code of Conduct. Commitment and professionalism are vital to creating and maintaining an effective and efficient CoC process that will benefit each member of the CoC, as well as the persons they represent. Both are integral to creating and sustaining a strong and collaborative planning process.

Conduct obligations include:

- Members should represent their clients, their agencies, and the CoC in a fair, honest, ethical, and respectful manner.
- Members should be informed on the purpose of the CoC and its role in the regional planning to end homelessness.
- Members should strive to stay up to date on CoC strategies and planning.
- Members should strive to keep their promises and to avoid unwise or unclear commitments that they are unable to fulfill.
- Members are expected to uphold professional standards of conduct, exhibiting respectfulness, fairness, and honesty.
- Members should clarify their professional roles and obligations, exercise reasonable judgment, and take precautions to ensure that any potential biases or conflicts of interest do not unjustly affect the CoC process or other members of the ND CoC.
- When conflicts occur among members, they should attempt to resolve these conflicts in a responsible fashion.
- Leaders have the extra responsibility of setting an example by their personal performance and attitude.
- Members should consult with, refer to, or cooperate with other professionals and institutions to the extent needed to serve the best interests of those they represent.

## **B. Board Membership**

1. The Board shall be solicited from and voted on by the CoC Membership. The members will be representatives from each of the eight planning regions within the state, one homeless or formerly homeless member, one minority representative, and one at-large member. The CoC shall strive for statewide balance and diversity in the makeup of the Board. The lived experience representative will be entitled to a stipend to support active participation in ND CoC Board and Membership meetings.
2. The Board shall also include non-voting advisory and staff members including: the CoC Coordinator, CA representative, HMIS LA representative, NDCHP representative, and a ND Department of Commerce representative (concerning state homeless programs).
3. Officers: The CoC Membership shall elect a chairperson, a vice chair, and a secretary with terms not to exceed two years ending in December. Officers serve in this capacity for both the membership and the CoC Board.
  - a. Duties of the Chairperson: The Chairperson shall preside at meetings of the ND CoC Membership and Board.

- b. Duties of the Vice Chair : The Vice Chair shall preside at meetings of the CoC Membership and Board in the absence of the Chair.
  - c. Duties of the Secretary: The secretary shall take and maintain minutes of the CoC Membership and Board or appoint another note taker in their absence.
4. Elected Member Terms
- a. Each elected member shall serve a term of two years ending in December. Terms will be staggered so half of the voting members are appointed in one year and half are appointed in the year thereafter. Each member shall be eligible for re-election to up to two terms for a total of four years. After completion of two consecutive terms, a person can be elected to a new term after a minimum of a one-year absence.
  - b. Vacancies: Vacancies occurring on the Board shall be filled, as soon as reasonably possible, by appointment of the CoC Board. Persons appointed to fill an unexpired term shall serve out the unexpired term of his or her predecessor in office and be eligible to stand for election for two full terms.
  - c. Attendance: Attendance at meetings is strongly encouraged and can be either in-person or virtual/electronic.
  - d. Removal: An appointee who misses three successive Board meetings or consistently fails to attend or participate may be removed from the Board by a vote of its membership or by the Board.
5. Regional Representative Roles and Responsibilities: Regional Board Representatives serve as a liaison between their region and the ND CoC, representing regional issues at ND CoC Board and Membership meetings, while simultaneously considering the overall goals and purpose of the CoC. Additionally, representatives are responsible for relaying timely and pertinent information and promoting ND CoC goals and policies within their region.

## **VI. Meetings**

- A. All meetings shall be held at the call of the chair or vice chair.
- B. In the absence of a presiding officer, the chair may appoint a member as acting chair.
- C. Notice of time and location of all meetings shall be delivered personally or by email to all members at least four days prior to the meeting; or by U.S. Postal Service at least six business days prior to the meeting.
- D. ND CoC Membership meetings shall be held quarterly throughout the year. Quarterly meetings will occur in February, May, August, and November with the annual meeting being held in February.
- E. A virtual/electronic option for attendance shall be available at all ND CoC Board and Membership meetings.
- F. Meetings shall be held in accordance with Robert's Rules of Order.
- G. The CoC Coordinator or the Board Chair will develop an agenda for each meeting.
- H. Meeting minutes will be recorded for each meeting by the Secretary. In the absence of the Secretary another member shall be designated to record minutes.

## **VII. Voting**

### **A. CoC General Membership**

1. All member agencies shall have one vote per agency.
2. In the instance of a tie, the vote of the Chair or acting Chair will be voided to break the tie.
3. Electronic Voting: At the discretion of the Chair, virtual/electronic voting shall be allowed to ease the challenge of making leadership decisions between meetings or when timing or travel is unrealistic for one or more members. The voting period and required response date shall be prominently posed in the request for vote.
4. A quorum for the transaction of any business by the Membership shall be a simple majority.

### **B. Board**

1. All Board members shall have one vote. NDCHP, ND CoC, HMIS, and North Dakota state government staff or representatives shall not vote but may share input on matters requiring a vote. In the instance of a tie, the vote of the Chair or acting Chair will be voided to break the tie.
2. Electronic Voting: At the discretion of the Chair, virtual/electronic voting shall be allowed to ease the challenge of making leadership decisions between meetings or when timing or travel is unrealistic for one or more members. The voting period and required response date shall be prominently posed in the request for vote.
3. A quorum for the transaction of any business by the Board shall be a simple majority of the non-vacant seats on the Board.
4. Members of the Board who are aware of an actual or potential conflict of interest must recuse themselves from the related decision-making process and take no part in the discussion or the vote. Members must advise the Chair that he or she wishes to be recused from the decision-making process, the Chair will honor the member's decision, and the recusal will be noted in the minutes.

A conflict of interest would occur in any discussion or decision concerning the award of a grant or other financial benefit to the organization that the member represents.

## **VIII. CoC Policies and Procedures**

The following policies have been approved by the ND CoC and reflect the current practice and expectations of ND CoC member agencies. The ND CoC Governance is responsible for setting, updating, and informing members on the current ND CoC Policies and Procedures. Current policies and procedures are located on the [ND CoC website](#). Current CARES policies and procedures are located on the [CARES website](#).

### **A. ND CoC Policies and Procedures include:**

1. CARES Policy Manual
2. CARES Prioritization Policy
3. HMIS Privacy Plan
4. HMIS Security Plan
5. HMIS Policies and Procedures

6. HMIS Data Quality Management Plan
7. HMIS LA Memorandum of Understanding
8. Written Standards for the Emergency Solutions Grant and Continuum of Care Programs
9. Monitoring Plan
10. Emergency Transfer Plan
11. Reallocation Policy
12. Ranking & Review Policy

**IX. Reviewing and Updating this Charter**

- A. The ND CoC Coordinator or appointed committee/workgroup must review this Governance Charter annually. The ND CoC Board will review and approve updates at the April board meeting. The ND CoC Membership will review and approve at the May membership meeting. The Governance Charter and Bylaws will be sent out to the CoC Membership at least two weeks prior to the May meeting. A simple majority is required by the ND CoC Membership to approve changes.
- B. While suggested updates may come from the ND CoC Membership, Committees, Board, staff, CA, or HMIS LA, it is the responsibility of the ND CoC Coordinator to review HUD rules, regulations, and guidance for necessary updates.