



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

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CoC Board Approval: April 2023  
CoC Membership Approval: May 2023 (pending)

Next Review: April 2024

**I. Mission**

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

**II. Overview**

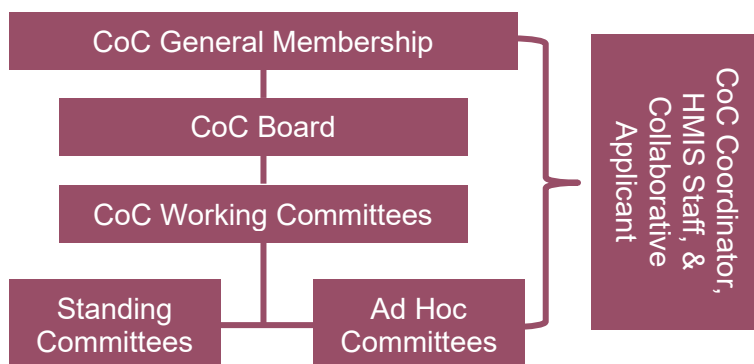
- A. The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), enacted into law on May 20, 2009, codifies into law the Continuum of Care (CoC) planning process. The CoC planning body is a group organized to carry out the responsibilities prescribed in the CoC Program Interim Rule. CoC governance responsibilities include:
  - 1. Planning for and operating the CoC;
  - 2. Ensuring compliance with the U.S. Department of Housing and Urban Development (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 ND Statewide CoC General Membership (CoC Membership), CoC Board of Directors (CoC Board), Continuum of Care working committee(s), the Collaborative Applicant (CA), and the Homeless Management Information System (HMIS) Lead Agency (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 (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 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 ND 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, human trafficking, veterans, substance abuse, chronic homeless, disabled, Black, Indigenous, and People of Color (BIPOC), LGBTQia+, etc.)
  - f. Indian Tribes/Tribally Designated Housing Entities
  - g. Faith Organizations
  - h. Affordable Housing Owners/Developers
  - i. Funders
  - j. Health and Mental Health Care Providers
  - k. Human/Social Service Providers
  - l. Law enforcement and corrections
  - m. Income, Employment, and Training Programs
  - n. Treatment and Substance Abuse Providers
  - o. Legal Services
  - p. Local government staff/officials (state, county, city)
  - q. Other relevant and interested parties
2. Responsibilities:
  - a. Provide input into the annual review ND CoC policies and plans
  - b. Provide input into the design and evaluation of the ND homeless response system
  - c. Approve Governance Charter changes
  - d. Elect members to the CoC Board to act on behalf of the ND CoC at the last full membership meeting of the calendar year
  - e. Approve the HMIS LA
  - f. Approve the HMIS Vendor
  - g. Approve the ND CoC Collaborative Applicant

## B. Board

1. The CoC Board serves as the HUD designated primary decision-making group and oversight board of the ND CoC. As the oversight committee of the ND CoC, and its members, the CoC 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 ND CoC that are beyond those addressed in the annual HUD CoC application process.
2. **Responsibilities:** (*per Federal Interim Rule 24 CFR 578*) As the designated governing body of the ND CoC for the geographic area, the CoC Board works with the CoC CA (North Dakota Housing Finance Agency) to fulfill three major duties:
  - a. Operate the ND 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 CoC Board members to act on behalf of the ND 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 ND CoC Governance Charter and present to the CoC Membership for approval;
    - In consultation with the CoC CA and the HMIS LA, 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 CoC Board, its chair(s), any person acting on behalf of the CoC Board, and the Rating and Ranking Committee;
    - Consult with recipients and subrecipients of ND 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 (ESG) and the ND CoC program, and report to HUD;

- In consultation with the CoC CA, the HMIS LA, 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 ND 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. **NOTE: The ND CoC is not considered a high-performing CoC.**
- b. Oversee the designated Homeless Management Information System:
- Propose a single HMIS for the geographic area to the CoC Membership for approval;
  - Propose an eligible applicant to manage the ND 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 ND 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 ND 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 individuals, families and unaccompanied youth experiencing homelessness. 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 people experiencing homelessness within the geographic area that meets the following requirements:
  - 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 ND 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 ND CoC has five standing committees to support the ND 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. A standing committee under the oversight of the CoC Board. The committee is responsible for:
    - Taking the lead in establishing performance measures for ESG and ND CoC Programs;
    - Reviewing outcomes for ESG and ND 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. A standing committee under the oversight of the CoC Board. The committee is responsible for:
    - Conducting an annual count of both sheltered and unsheltered homeless persons;
    - Monitoring the 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. Coordinated Access, Referral, Entry, and Stabilization System (CARES). A shared committee under the oversight of the CoC Board with joint leadership from the West Central Minnesota (WC MN) CoC. Members are elected by the CoC Membership. CARES is responsible for:
- Supporting the ND and WC MN CoC in assuring a Coordinated Entry (CE) 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 ND and WC MN 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. A standing committee under the oversight of the CoC Board. The Rating and Ranking Committee is responsible for:
- Updating ND CoC policies for the annual HUD CoC Competition and presenting them to the CoC Board and CoC Membership for approval;
  - Conducting an annual review of all projects applying for the HUD CoC Competition using established criteria; and
  - Ranking projects according to criteria and placing them in a recommended funding order by tier and presenting ranking recommendations to the CoC Board and CoC Membership for approval.
- e. Youth Action Board (YAB). A standing committee under the oversight of the CoC Board. The YAB is responsible for:
- Using their lived experiences of homelessness, housing crises, foster care or juvenile justice systems, etc. as a tool to bridge the gaps between homelessness and quality of care for all youth under the age of 24 living in North Dakota;
  - Informing policy and creating systematic change to combat youth homelessness; and
  - Advising the ND CoC regarding their ongoing commitment to meet the needs of youth experiencing homelessness or housing instability in ND and ensure that ND CoC policies and practices are informed by the voices of young people with lived experience.
  - Membership on the YAB shall be limited to youth and young adults (YYA) that are currently or formerly homeless, or have experienced housing instability. YYA must be between the ages of 14-24 in North Dakota. Membership on the YAB shall be determined through an application process directed by current YAB members.
  - General YAB meetings shall be open to any youth that has experienced homelessness or housing instability between the ages of 14 and 24 years old.
  - The YAB Governance structure will follow a flat leadership model with an executive committee and a general forum. The executive committee will consist of ten members representing eight regions and two at large

members. The general forum is open to any youth/young adults in ND that have experienced homelessness or housing instability.

- YAB will be compensated for their time as approved in the YAB Compensation Policy.
2. Sub-Committees/Groups: Ad Hoc working groups, task forces, and sub-committees may be created as needed by the CoC Board or CoC Coordinator. Minutes of these committees/groups will be presented to the CoC Board. When possible, a CoC 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 Membership will approve a Collaborative Applicant and enter into a Memorandum of Understanding (MOU) signed by the CoC Board Chair.
2. **Responsibilities:** The CoC CA will help carry out the responsibilities of the ND 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 ND CoC annual calendar, email list, and website;
  - d. Provide guidance and support to the ND 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 HMIS.
3. The designation of the CoC CA is valid for a maximum of five years (2020, 2025, 2030, etc.) 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 ND 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 CoC CA is responsible for keeping records documenting compliance with HUD requirements, including evidence that:
  - a. The CoC Board meets the requirements of the HUD 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 ND CoC has been established and operated as set forth in the HUD CoC Regulations, including:
    - Published agendas and meeting minutes;
    - Evidence of designation of a single HMIS for the ND CoC; and
    - Monitoring reports of recipients and subrecipients.



- c. The ND CoC has prepared the application for funds in compliance with the HUD CoC Program Interim Rule.
- d. The CoC 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 ND 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 LA 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 HUD CoC Interim Rule and any additional responsibilities are documented in the HMIS LA MOU.
3. The designation of the HMIS LA is valid for a maximum of five years before the designation must be reviewed and renewed by the CoC Board. No requirement for an 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 LA, the ND CoC reserves the right to open an RFP process prior to the five-year mark and designate a new HMIS LA.

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

The CoC Coordinator provides guidance and direct support to the CoC Board in carrying out ND 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 ND 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 ND CoC will conduct an annual membership drive annually.
  - 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 ND 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 ND CoC in a fair, honest, ethical, and respectful manner.
    - Members should be informed on the purpose of the ND CoC and its role in the regional planning to end homelessness.
    - Members should strive to stay up to date on ND 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 ND 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 BIPOC member, one LGBTQia+ member, and two YAB members. The ND CoC shall strive for statewide balance and diversity in the makeup of the CoC Board. The lived experience representative will be entitled to a stipend to support active participation in CoC Board and CoC Membership meetings. YAB members are entitled to compensation, based on the YAB Compensation Policy.
2. The CoC 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 CoC Membership and the CoC Board.
  - a. Duties of the Chairperson: The Chairperson shall preside at meetings of the CoC Membership and CoC Board.
  - b. Duties of the Vice Chair: The Vice Chair shall preside at meetings of the CoC Membership and CoC Board in the absence of the Chair.
  - c. Duties of the Secretary: The secretary shall take and maintain minutes of the CoC Membership and CoC Board or appoint another minute 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. YAB members are selected by the YAB and do not need full membership approval.
  - b. Vacancies: Vacancies occurring on the CoC 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 CoC Board meetings or consistently fails to attend or participate may be removed from the CoC Board by a vote of the CoC Membership or by the CoC 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 CoC Board and CoC Membership meetings, while simultaneously considering the overall goals and purpose of the ND 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 CoC Board and CoC Membership meetings.
- F. Meetings shall be held in accordance with Robert's Rules of Order.
- G. The CoC Coordinator 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 CoC Membership shall be a simple majority.

### **B. Board**

1. All CoC Board members shall have one vote. Non-voting advisory members (NDCHP, ND CoC CA, ND CoC Coordinator, HMIS LA, and ND DoC

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. ND CoC Policies and Procedures**

The following policies have been approved by the CoC Board and CoC Membership 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. Emergency Transfer Plan
4. Governance Charter
5. HMIS Privacy Plan
6. HMIS Security Plan
7. HMIS Policies and Procedures
8. HMIS Data Quality Management Plan
9. HMIS LA Memorandum of Understanding
10. Monitoring Plan
11. Ranking & Review Policy
12. Reallocation Policy
13. Written Standards for the Emergency Solutions Grant and Continuum of Care Programs
14. Youth Homelessness Demonstration Program Youth Action Board Compensation Policy

**IX. Reviewing and Updating this Charter**

- A. The CoC Coordinator or appointed committee/workgroup must review this Governance Charter annually. The CoC Board will review and approve updates at the April board meeting. The CoC Membership will review and approve updates 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 CoC Membership to approve changes.
- B. While suggested updates may come from the CoC Membership, CoC Committees, CoC Board, staff, CoC CA, or HMIS LA, it is the responsibility of the CoC Coordinator to review HUD rules, regulations, and guidance for necessary updates.