

**New York State
Balance of State
Continuum of Care
Governance Charter**

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I. CoC and Charter Background

A. Balance of State Continuum of Care Definition

A Continuum of Care (CoC) is a geographically based group comprised of representatives that carry out the planning responsibilities required by the U.S. Department of Housing and Urban Development (HUD) for addressing homelessness. These representatives typically come from organizations that provide services to persons at risk of or experiencing homelessness, as well as other community members such as school districts, hospitals, universities, law enforcement and organizations that serve veterans. A Balance of State CoC is one that serves combined areas of a state that are not covered by their own CoCs. Any existing CoC can apply to merge with a Balance of State CoC.

B. Purpose of the NYS BoS CoC Governance Charter

This Charter sets out the composition, roles, responsibilities, and committee structure of the New York State Balance of State Continuum of Care (NYS BoS CoC). This group serves as recognized decision-making body for the Continuum of Care pursuant to 24 CFR 578, Subpart B, entitled “Establishing and Operating a Continuum of Care.”

II. NYS BoS CoC Mission and Goals

A. Mission

The mission of the NYS BoS CoC is to support and manage a response system that ensures homelessness is prevented whenever possible or is otherwise a rare, brief, and non-recurring experience.

B. Values

The NYS BoS CoC adopts a set of values to guide actions towards achieving the CoC’s mission. The CoC, through the Steering Committee and other committees, will work to make funding, program and policy actions that are aligned with stated values. These values will guide the actions of all CoC bodies established under this Charter:

- The CoC will operate with transparency and inclusiveness.
- The CoC will promote shared responsibility and accountability.
- The CoC will promote equity for communities of color disproportionately affected by homelessness.
- Decisions and recommendations will represent individuals served by the CoC, including those with lived homeless experience.

C. Goals

To achieve the goal of ending homelessness, the NYS BoS CoC will seek to:

- Increase access to permanent housing.
- Identify housing needs of those at risk of facing homelessness.
- Evaluate performance of services within the NYS BoS CoC through data collection and analysis.

- Increase access to and effective utilization of other mainstream sources to promote housing stability.
- Provide coordinated and barrier-free access to homeless services.
- Prioritize service delivery to households with the greatest need.
- Optimize self-sufficiency among individuals and families experiencing homelessness.

To maximize effectiveness, the NYS BoS CoC will work in collaboration with other entities outside of the CoC, such as state agencies, New York's other Continuums of Care, and relevant stakeholders, to help create integrated state and community-wide strategies and plans to prevent and end homelessness; provide coordination among the many regional organizations and initiatives that serve people experiencing homelessness across Continuum of Care geographical areas; and to prepare the comprehensive grant application to HUD for the Continuum of Care Program.

To achieve its goals, the NYS BoS CoC will conform with the eight required duties HUD has determined as necessary for establishing and operating a Continuum of Care:

1. Measure the CoC's performance in reducing homelessness by looking at the overall performance of the Continuum.
2. Develop and adhere to formal decision-making and operating standards for the CoC.
3. Establish and operate a centralized or coordinated entry system that provides an initial, comprehensive assessment of the needs of individuals and families for housing and services.
4. Develop a specific policy on how the CoC's system will address the needs of individuals and families who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, or stalking, and who are seeking shelter or services from non-victim service providers. This policy will address how the community ensures the safety and confidentiality of this population, as well as access to homeless housing and services.
5. Establish and consistently follow written standards when administering assistance to coordinate service delivery across the geographic area and assist CoC service providers in evaluating the eligibility of individuals and families consistently and administering assistance fairly and methodically.
6. Designate a Homeless Management Information System (HMIS) and an eligible applicant to manage and administer the HMIS, consistent with requirements.
7. Plan, coordinate, and implement a system for its geographic area to meet the needs of the homeless population and subpopulations within the geographic area to include:
 - a. A systematic approach for accessing emergency shelters, rapid rehousing, transitional housing, permanent supportive housing, and prevention strategies where available.
 - b. An annual Point-in-Time Count of homeless persons within the geographic area and annual Housing Inventory Count of the number of available beds and units.
 - c. An annual gaps analysis of the homeless needs and services available within the geographic area, providing information necessary to complete the Consolidated

Plan(s) within the geographic area, and consulting with State and local government Emergency Solutions Grants program recipients within the Continuum of Care on the plan for allocating Emergency Solutions Grants program funds and reporting on and evaluating the performance of Emergency Solutions Grants program recipients and sub-recipients.

8. Prepare and oversee the application for HUD CoC funding by:
 - a. Establishing priorities for funding projects within the geographic area and determine the number of applications being submitted for funding.
 - b. Selecting one eligible applicant to be the Collaborative Applicant.

III. Organization and Responsibilities of the NYS BoS CoC

A. Membership and Responsibilities

The NYS BoS CoC is comprised of counties that have formed Local Planning Bodies with various roles and responsibilities. The membership of these counties and their local planning bodies make up the NYS BoS CoC membership, including but not limited to representatives from the following: local social services districts, nonprofit homeless assistance 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. Ongoing efforts will be made to solicit open membership from these relevant organizations.

The work of the NYS BoS CoC is accomplished through a collaborative and comprehensive process that includes the work of the Local Planning Bodies, Steering Committee meetings, sub-committee meetings, and semi-annual full membership meetings. Required votes by any voting member, or their designee, may take place in person, over the phone, or via email. To approve a motion, a majority of 51% of the voting membership constitutes a quorum at all meetings.

B. Local Planning Bodies

Local Planning Bodies are encouraged to:

1. Establish governance policies, committees, and standards that align with the NYS BoS CoC. Written standards should be established for all prevention, outreach, shelter, rapid rehousing, transitional housing, supportive services, and permanent supportive housing. These may include the following items: policies and procedures for evaluating household eligibility; policies and procedures for determining appropriate housing and services; and policies and procedures for establishing rental payment standards for rapid rehousing programs.
2. Elect Steering Committee and Sub-Committee representatives.
3. Complete the Point in Time (PIT) count and Housing Inventory Count (HIC) at least annually, in accordance with the manner and timeframes established by HUD.
4. Submit Annual Performance Reports (APR) to HUD (where applicable).

5. Encourage regional committee members to participate in NYS BoS CoC sub-committees.
6. Participate in HMIS and adhere to the NYS BoS CoC's HMIS Policies and Procedures.
7. Support the priorities established by the NYS BoS CoC in alignment with state and federal policies.

C. Committee Roles, Responsibilities, and Members

General Requirements for All Committees

While the decisions for the NYS BoS CoC will be made by the Steering Committee, the work of the Continuum will generally be carried out by the sub-committees listed below. Steering Committee and Local Planning Body members are able and encouraged to serve on the following sub-committees: HMIS, Data, and Performance Committee; Coordinated Entry Committee; Services Coordinating Committee; and Monitoring and Selection Committee (Ranking).

All committee meetings shall be governed by this Charter and otherwise by *Robert's Rules of Order*.

1. Steering Committee

The Steering Committee is the primary decision-making body and board responsible for planning for the use of the U.S. Department of Housing and Urban Development (HUD) HEARTH CoC resources and coordinating these funds with other relevant resources in the jurisdiction. Steering Committee members determine the policy direction of the NYS BoS CoC and oversee and approve the work of committees and workgroups.

Members of the Steering Committee will be composed of an uneven number that serve staggered terms and will include representatives as outlined below:

- a. Three representatives designated by each local planning body:
 - i. The Commissioner of the local social services district, or their designee, will serve as one representative and the local planning bodies will select two additional CoC Steering Committee members to serve for a minimum of two years.
 - ii. When electing their two representatives for the Steering Committee, local planning groups should consider expertise and experience in homelessness, geographic distribution, diversification of interests, provider prospective, limiting/managing conflict of interest, and other relevant factors.
- b. Two representatives from the Lead Agency/Collaborative Applicant, the NYS Office of Temporary and Disability Assistance will serve as *Ex Officio* members of the Steering Committee.

- c. Representatives from state agencies that oversee or administer housing and/or homelessness programs/services or other human services programs may serve as *Ex Officio* members of the Steering Committee.
- d. At least one consumer (homeless or formerly homeless) representative.
- e. One representative from the New York State Department of Education.

The Steering Committee may add new members by a majority vote of the existing members. Members must sign a Conflict of Interest Disclosure form.

Steering Committee meetings will be open to the public and held in-person on a bi-monthly basis with the option of attending via teleconference. Such meetings shall comply with the NYS Open Meeting Law. The vote of a majority of members participating at a meeting is a quorum (51% of membership) and a majority vote is enough to constitute an act of the Steering Committee. Members that fail to participate in regularly scheduled meetings (9 out of 12 meetings, without an alternate, within a calendar year) may be subject to removal from the Steering Committee by vote of the Committee.

Ex Officio members are non-voting members of the Steering Committee.

Steering Committee Responsibilities

- a. Provide overall direction and leadership of the process.
- b. Make all formal decisions of the CoC.
- c. Conduct strategic planning and goal setting.
- d. Approve the selection of the Monitoring and Selection Committee.
- e. Coordinate and align CoC and other homeless assistance and mainstream resources.
- f. Establish priorities for making decisions about the allocation of CoC resources.
- g. Monitor and evaluate both system-wide and individual program performance in achieving established goals.
- h. Receive reports and recommendations from sub-committees and ad-hoc task groups.
- i. Guide the development and submission of the annual CoC Consolidated Application, including priorities for project funding.
- j. Ensure that all necessary activities (e.g. Point-in-Time Count) are being implemented by the local planning bodies in accordance with applicable federal and state requirements.
- k. Disseminate information to all members of the local planning bodies.
- l. Hold open meetings at least every other month and publish notices of meeting agendas and minutes. Such meetings shall comply with the NYS Open Meeting Law, including the required publication of meeting notices, agenda and minutes.

2. Sub-Committees of the Steering Committee

a. HMIS, Data, and Performance Committee Responsibilities

- i. Overall management of and training related to the HMIS system, including reviewing HMIS policies and procedures annually, and updating as necessary.
- ii. Develop, assess, and monitor performance measures according to different program type as well as of the CoC as a whole.
- iii. Review quarterly data quality, Point-in-Time, and demographic reports.
- iv. Establish the roles and responsibilities of the HMIS system, as well as review how the system is working and functioning on a provider level.
- v. Organize the annual Point-in-Time Count/Housing Inventory Count and ensure data is collected and submitted in a timely and accurate manner.

b. Coordinated Entry Committee Responsibilities

- i. Create and approve Coordinated Entry Policies and Procedures.
- ii. Consider revisions and updates to the Coordinated Entry Policies and Procedures.
- iii. Provide guidance on regional Coordinated Entry planning.
- iv. Maintain the Coordinated Entry form and vulnerability index tool.
- v. Monitor and evaluate the NYS BoS CoC Coordinated Entry system, including assessment of the Coordinated Entry form and vulnerability index tool.

c. Services Coordinating Committee Responsibilities

- i. Develop and annually assess the NYS BoS CoC written standards for administering assistance.
- ii. Assess outcomes/impact of discharge planning including those discharged from corrections, mental health institutions, hospitals, or aging out of foster care.
- iii. Assess current gaps in services.
- iv. Identify effective practices and strategies.
- v. Collaborate, engage and access mainstream resources.

d. Monitoring and Selection Committee (Ranking Committee) Responsibilities

- i. Annually evaluate renewal projects.
- ii. Participate in the processes established to review, score, and rank new CoC projects that will be submitted during the annual CoC competition.
- iii. Assess, monitor, and evaluate compliance and performance of Solutions to End Homelessness Program (STEHP) funded projects, which are partially funded by federal Emergency Solutions Grant (ESG) funds.

e. Lived Experience Advisory Board

- i. Informs CoC policy via lived experience

f. Ad-hoc Work Groups

These work groups will be formed on an ad-hoc basis as needed. The scope, composition and term of such work groups will be decided by the Steering Committee.

IV. OTDA Roles and Responsibilities

The Office of Temporary and Disability Assistance (OTDA) is the Lead Agency (Collaborative Applicant) for the NYS BoS CoC. OTDA performs a variety of necessary functions such as oversight of HMIS administration, conduct program monitoring, engagement and education of stakeholders, and submission of HUD funding applications. OTDA will provide staff to support the various committees and work groups that constitute the NYS BoS CoC.

OTDA is also the state agency responsible for administering federal ESG funds and state homeless program funds. In this role, OTDA works to align state and federal program requirements and to ensure coordinated community planning across funding streams.

Specific responsibilities include the following: staff the Steering Committee; produce planning materials; coordinate needs/gaps assessments; collect and report on performance data; monitor program performance; coordinate resources, integrate activities, and facilitate collaboration; prepare the Consolidated Application for CoC funds; recruit stakeholders; and coordinate HMIS activities.

A. Annual CoC Program Application

Collaborative Applicant

As the designated Collaborative Applicant (CA) for the NYS BoS CoC, OTDA is responsible for the timely and accurate submission to HUD of the annual Consolidated CoC Program Application. OTDA provides CoC staff support for all tasks associated with completion of the annual CoC Consolidated Application.

B. Homeless Management Information System (HMIS)

OTDA will facilitate HMIS activities for HUD compliance and, with approval from the Steering Committee, will designate a single HMIS lead to ensure all HMIS activities are carried out in accordance with the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act. Such designation will be made in accordance with New York State Procurement Guidelines. All agencies within the NYS BoS CoC will comply with HMIS requirements for CoC funding, all state homeless service funding, and as outlined in the HMIS policies and procedures. OTDA will ensure, as outlined in the HMIS policies and procedures, that the HMIS Lead enters into written HMIS Agency Agreements with each organization that participates in and contributes data to the HMIS and a user agreement with each authorized user of HMIS. OTDA will assess HMIS costs on an annual basis. User fees related to HMIS, as outlined in the HMIS Policies and Procedures, are supported with funds from OTDA and the continuity of this support will be reviewed annually by the HMIS, Data and Performance Committee and the CoC. HMIS policies and procedures including

functionality data quality, privacy, and security standards will be reviewed as outlined in the HMIS Policies and Procedures and updated on an annual basis, or as needed, in accordance with HMIS data standards and the HEARTH Act, the Violence Against Women Act (VAWA) and human trafficking protection laws. Specific responsibilities and relationships between the CoC(s), HMIS Lead, and HMIS stakeholders in relation to HMIS in the NY BoS CoC are outlined in the HMIS policies and procedures

V. Record Keeping

The proceedings of all Steering Committee meetings are documented in meeting minutes. Minutes of all meetings are circulated and approved at the subsequent meeting. Resolutions are first put out in written draft form and once passed, are recorded in the meeting minutes.

VI. Code of Conduct

The following Code of Conduct provides a foundation of ethics for the NYS BoS CoC and its Steering Committee, sub-committee and Local Planning Body members.

A. Code of Conduct

Steering Committee, sub-committee and LPB members of the NYS BoS CoC are entrusted with specific responsibilities related to the use of public funds to address homelessness and are expected to observe the highest standards of ethical conduct in the execution of these responsibilities.

In the performance of their duties, members are expected to carry out the mandate of the NYS BoS CoC to the best of their ability and to maintain the highest standards of integrity in interactions with other Steering Committee or sub-committee members, LPB representatives, NYS BoS CoC general membership, service recipients, service providers, and members of the public.

B. General Conduct

Steering Committee, sub-committee and LPB members are expected to conduct themselves with courtesy and respect, and the utmost civility and decorum. Steering Committee, sub-committee and LPB members must make all decisions based on the best interest of the NYS BoS CoC. Personal relationships of members should not result in special considerations, including bias, nepotism or favoritism, or otherwise influence decisions or the performance of official duties in a manner contrary to the interest of the NYS BoS CoC. Steering Committee, sub-committee and LPB members are expected to exercise adequate control and supervision over matters for which they are individually responsible.

C. Conflicts of Interest Policy

Pursuant to 24 CFR 578, Subpart F, entitled “Conflicts of interest,” no member of the Steering Committee shall vote upon or participate in the discussion of any matter which shall have a direct financial bearing on the organization that the member represents. This includes all discussions and decisions with respect to funding, awarding contracts, and implementing corrective actions relative to the pertinent organization.

See Attachment A for the Conflict of Interest Disclosure Form.

D. Nondiscrimination Policy

The NYS BoS CoC is a non-discriminatory organization and does not discriminate on the basis of age, sex, race, ethnicity, religion, creed, disability, sexual orientation, gender identity, gender expression, familial status, marital status, domestic violence victim status, national origin, military status, or predisposing genetic characteristic, in accordance with all State and Federal regulations. Nondiscrimination extends to all CoC activities, including direct administration of homeless assistance.

E. Remedial Action

Violation of any portion of this Code of Conduct may result in immediate dismissal from position and/or membership.

VII. Reviewing and Updating the Governance Charter

The NYS BoS CoC Governance Charter will be reviewed annually, or as needed, by members of the Steering Committee to ensure it remains consistent with the NYS BoS CoC’s objectives and responsibilities and related federal and state requirements. It is the Lead Agency’s responsibility to review HUD rules, regulations, and guidance and to suggest updates to the Governance Charter as required by HUD. The updates must be presented to the Steering Committee prior to adoption.

Policy Amendments

Item Added/Amended	Date Added/ Amended	Date Adopted by SC
VI. Code of Conduct (including adding Conflicts of Interest Policy) IV, B. OTDA's Roles and Responsibilities for HMIS	3/21/2019	3/21/2019
III, C. Added Monitoring of STEHP (ESG) funding to Monitoring and Selection Committee Responsibilities VI, D. Added gender identity and gender expression to the Nondiscrimination Policy	9/4/2019	9/5/2019
Annual update	6/8/2020	7/2/2020
IV, B. HMIS - language adjustments to ensure consistency with CARES' HMIS Agency Agreements. Codify the oversight of the Steering Committee and the HMIS Data and Performance Committee to ensure HMIS activities are carried out in accordance with the HEARTH Act.	2/4/2021	2/4/2021
III, C. Added a seat on Steering Committee for a representative from the New York State Department of Education	9/15/2022	9/15/22
II, B. Added CoC values III, C. Added Lived Experience Advisory Board	10/2/2022	11/2/2023