

# Leadership Board Authority: Reference Slides

Prepared by the Racial Equity Committee

Review prior to meeting on:

February 9, 2023

# CoC Basics

Quick Refresher

# HUD's CoC Program Goals

- **Promote community-wide commitment** to the goal of ending homelessness
- **Quickly rehouse** homeless individuals and families
- Promote **access to mainstream programs**
- **Provide funding** to local efforts by **nonprofit providers**

# Federal Legislation Timeline

1987

## McKinney-Vento Homeless Assistance Act

- First major federal response to homelessness
- Created the major grants still used today (Shelter Plus Care Program, Emergency Shelter Grants, etc.)

2012

## CoC Interim Rule

- Developed by HUD
- Implemented the CoC Program
- Set CoC regulations

## HEARTH Act

- Amended the McKinney-Vento Act
- Established the Continuum of Care (CoC) Program

2009

# Defining a CoC

- **HUD** regulates **housing policy & funding** at the federal level
- A **Continuum of Care** is a HUD regulated **homelessness response system**
- There are **44 CoCs in California**
- Our CoC encompasses all of the region of **Alameda County**



## Definition of CoC (CFR § 578.3)

Continuum of Care is defined as:

“The **group organized to carry out the responsibilities** required under this part and that is **composed of representatives of organizations** [lists many examples of relevant organizations]... **and homeless and formerly homeless persons** to the extent these groups are represented within the geographic area and are available to participate.”

# CoC Board

Continuums of Care must “establish a board to act on behalf of the Continuum” (CFR § 578.5(b))

Boards must: comply with conflict-of-interest requirements, represent organizations serving people experiencing homelessness, and include at least one person with lived experience. (CFR § 578.5(b))

Our Board is called the Leadership Board (transitioned from the HUD CoC Committee to the Leadership Board in September 2022).

# Authority of the Leadership Board

Where does the Leadership Board get its authority from?

- HUD requires every community to have a Continuum of Care with a Board, and outlines the responsibilities of the CoC in federal regulations
- The CoC general membership approves the process for selecting a Board
- The [Governance Charter](#) provides further details about the authority of the Leadership Board



# **Responsibilities of the CoC**

**Overview of requirements in CFR § 578.7**

# Key responsibilities (24 CFR § 578.7-§ 578.9)

- (a) Operate the Continuum of Care
- (a) Designating and operating an HMIS
- (a) Continuum of Care planning
- (a) Preparing an application for funds (NOFO)

# Operate the CoC- Part 1

(24 CFR § 578.7(a))

1. Hold at least two meetings of the full membership each year (i.e., community meetings)
2. Invite new members at least once a year
3. Adopt/follow a written process to select a board (must be approved by the CoC at least every 5 years)
4. Appoint committees, subcommittees, or workgroups
5. *In consultation with the collaborative applicant and HMIS Lead, develop and follow a governance charter (update annually)*

# Operate the CoC- Part 2

(24 CFR § 578.7(a))

6. In collaborations with recipients/subrecipients, establish performance targets, evaluate outcomes, and take action against poor performers
7. Evaluate outcomes of projects funded under Emergency Solutions Grants (ESG) and CoC programs
8. Establish and operate a coordinated entry system
9. Establish and following written standards for providing Continuum of Care assistance

# Designating and Operating HMIS

(24 CFR § 578.7(b))

1. Designate a single HMIS for the area
2. Designate an HMIS Lead
3. Review, revise and approve a privacy plan, security plan, and data quality plan
4. Ensure participation of (sub)recipients in HMIS
5. Ensure HMIS is administered in compliance with HUD

# CoC Planning (24 CFR § 578.7(c))

1. Coordinate the implementation of a housing and services system including outreach, assessment, shelter, housing, supportive service, and prevention
2. Conduct a point-in-time count at least every other year
3. Conduct an annual gaps analysis of the homeless needs and services available
4. Provide info needed for Consolidated Plans in the area
5. Consult with State and local government ESG recipients to allocate ESG funds and evaluate performance

# Prepare an application for funds

(24 CFR § 578.9)

1. Design and follow a collaborate process for developing and approving applications in response to the HUD NOFO
2. Establish priorities for funding
3. If more than one application will be submitted, “designate an eligible applicant to be the collaborative applicant.”

Note: Per 24 CFR § 578.9(b), **“The Continuum retains all of its responsibilities, even if it designates one or more eligible applicants other than itself to apply for funds on behalf of the Continuum.** This includes approving the Continuum of Care application.”

# Reflection Question

## **Roles and responsibilities:**

How clearly do you understand the roles and responsibilities of the Leadership Board?



# **Leadership Board Authority is an Equity Issue**

**Equity Implications**

# Key Equity Principles Reminder

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Systems focused, outcome, and data-driven

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Shift people's participation from gatekeepers to agents of institutional transformation (change agents)

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Take action to identify and address institutional elements of racism (structural, systemic, individual)

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Stay grounded in history and root causes of racial inequity

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Be accountable to those most impacted by racial disparities

*Adapted from [principles](#) from *The People's Institute of Survival and Beyond* by Darlene Flynn and equity teams with the City of Oakland*

# Leadership Board Represents the Community

The Leadership Board represents **people experiencing homelessness**. It brings together key stakeholders including organizations that serve people experiencing homelessness.

The LB represents the community, rather than a County, City, or any one organization.

In Alameda County, the majority of people experiencing homelessness are Black and other People of Color.

# Keep in mind....

*Because of systemic racism.....*

There is an overrepresentation of Black and Indigenous people among people experiencing homelessness.

&

There is an overrepresentation of white people among leaders of county government, city governments, and nonprofit leaders.

# Equity implications when the Leadership Board loses authority

- The authority of leaders with lived experience and leaders who identify as Black, Indigenous and People of Color is undermined
- Power is not evenly distributed among government agencies and nonprofits who are part of the homeless response system
- There is a lack of transparency about how decisions are made and how the public can influence these decisions
- May interfere with the CoC fulfilling core responsibilities

# Equity implications if the CoC does not fulfill its responsibilities

- Inaccurate counts of Black, Indigenous, and other People of Color experiencing homelessness (PIT Count)
- Loss of funding or failure to secure needed funds for housing and other services (NOFO, other fundraising)
- Lack of monitoring of agencies providing services to people experiencing homelessness (performance targets & evaluation)
- Failure to identify and address gaps in the service system, which are especially likely to affect People of Color (gaps analysis)

# Reminder

**The people most impacted by shortcomings and successes of the CoC are Black, Indigenous, and other People of Color experiencing homelessness.**

It is important to increase our accountability to groups most impacted by disparities.

# Reflection Questions

## **Equity Implications:**

- How have the unresolved conflicts in our CoC impacted people experiencing homelessness?
- Who is most affected?



# **Conflict of Interest**

**Requirements and Considerations**

# Conflicts of Interest

*“Continuum of Care board members. **No Continuum of Care board member** may participate in or influence discussions or resulting decisions concerning the award of a grant or other financial benefits to the organization that the member represents.” (24 CFR § 578.95(b))*

# Conflict of interest considerations

HUD specifically prohibits Board members from influencing decisions about awarding funds to their own organizations.

There are a variety of other scenarios when a Leadership Board member's personal or organizational interests may conflict with the best interest of CoC and of people experiencing homelessness in the county.

In [HUD Exchange](#) materials, HUD notes that "identifying and documenting actual and perceived conflicts of interests is a mechanism used to ensure accountability of program funds."

# Reflection Questions

## **Potential conflicts of interest:**

- Have you ever experienced a conflict of interest as a Leadership Board member? How does this impact how you engage?
- How do we name and navigate potential conflicts of interest as Leadership Board members?

# Entities Designated by the Leadership Board

Recap

# Delegating Authority

The Leadership Board can delegate authority and some decision-making power to:

- Other committees
  - E.g. NOFO Committee reviews and ranks NOFO projects
- To core entities that the Leadership Board designates
  - E.g. Collaborative Applicant submits the collaborative application for the CoC NOFO

# Current Entities Designated by the Leadership Board

CoC Role	Current Entity Fulfilling the Role
Collaborative Applicant	Alameda County-Housing & Community Development
HMIS Lead	Alameda County-Housing & Community Development
Coordinated Entry Management Entity	Alameda County-Office of Homeless Care and Coordination
CoC Operations Support and Staffing (also called backbone organization)	LB designated EveryOne Home; Alameda County HCD selected Homebase through an RFQ

# Many Types of Designated Entities

Each CoC Board can decide how to designate entities (Collaborative Applicant, HMIS, Coordinated Entry Management, etc.) . Different CoCs decide on different structures.

Some CoCs have entities that are:

- County Governments
- City Governments
- Independent nonprofits



# Recent Conflict about Backbone Entity

## **Leadership Board position:**

The Leadership Board identified EveryOne Home as the backbone agency in the Governance Charter and affirmed its authority to select the backbone agency at a 9/22/2022 meeting.

## **Collaborative Applicant position:**

As the Collaborative Applicant, Alameda County has maintained that they manage the CoC planning funds and can select a vendor to receive these funds.

# Language from the RFQ

“The County of Alameda (County) and the Leadership Board of the Berkeley/Oakland/Alameda County Continuum of Care (CoC), seeks written proposals through this request for qualifications (RFQ) for operations support as outlined in Section C. Scope of Work, to assist the County, serving as the Collaborative Applicant, and the CoC Leadership Board, in fulfillment of their responsibilities under the Federal Continuum of Care Program requirements.”

This RFQ was issued on 6/16/2022 **without the approval** of the Leadership Board or the HUD CoC Committee.

# Delegating Authority

Green Flags and Red Flags

## **Green flags when delegating authority**



- Clear, written agreements and scopes of work
- Clear process for renewing and/or ending agreements
- Transparent communication
- Designated entity follows directions and guidance from LB
- Designated entity does not make decisions beyond its scope of authority
- Clear reporting structure
- Regular evaluation of activities

## **Red flags when delegating authority**



- Lack of written agreements and scopes of work
- No clear process for renewing and/or ending agreements
- Decisions made secretly or inconsistent communication
- Designated entity makes decisions beyond the scope of decisions delegated by the LB
- Lack of a clear reporting structure
- Infrequent or absent evaluation of activities

# Reflection Question

## **Red and green flags:**

What recent green flags and/or red flags have come up when designating authority to the core entities?

These include the: Collaborative Applicant, HMIS Lead, Management Entity, backbone/staffing organization

# **Strengthening Leadership Board Authority**

**Finding a Way Forward**

# Reflection Questions

## **Strengthening the Leadership Board authority:**

- What are options for the Leadership Board to strengthen its authority?
- How can the Leadership Board respond if a delegated entity oversteps its delegated authority?



# To be continued

At the meeting, the Racial Equity Committee will share some potential options for the Leadership Board to strengthen its authority as representatives of the community.

As a group, we will discuss options and possible next steps.