



# 2024 INDIANA BALANCE OF STATE POLICIES AND PROCEDURES

9.19.24

Indiana Balance of State CoC



## CoC Board Conflict of Interest Policy

All members of the board of directors member of the Indiana Continuum of Care (CoC) are required to protect the integrity of the CoC and ensure that there will be no conflict between CoC business operations (funding) and board member self-interest.

It is the policy of the Board of Directors that officers, and directors shall have the continuing affirmative duty to appropriately report any personal ownership, interest, or other relationship that might affect their ability to exercise impartial, ethical and business judgments in the area of their responsibilities. This policy shall be further subject to the following principles:

- 1) Officers and directors, of the CoC, shall conduct their responsibilities with respect to suppliers, customers and other persons doing, or seeking to do business with the CoC, in a completely impartial manner, without favor or preference, based upon any consideration other than the best interest of the CoC.
- 2) Officers and directors shall not seek or accept, directly or indirectly, any payments, fees, services, or loans from any business impacting the CoC. This does not, however, prohibit an officer or director from receiving compensation for services that such person may render, where services will not affect the impartial discharge of such person's duties or obligations to the organization.
- 3) Officers and directors shall not seek or accept for themselves, or any member of their families, from any person or business entity that does or seeks to do business with the CoC: any gifts, entertainment or other favors of a character that goes beyond common courtesies consistent with ethical and accepted business practices.
- 4) Directors who own, directly or indirectly, a significant financial interest in, or who manage or are employed by, any business entity that does or seeks to do business with the CoC, shall refrain from voting and discussion on any issue pertaining to that relationship.
- 5) Officers and directors shall not conduct business on behalf of the CoC with a relative or business entity with which they are associated, except where such dealings have been disclosed and specific approval and authorization have been given.
- 6) Directors and officers shall provide disclosure annually, or as changes arise, regarding their participating as a director, officer or employee of any other organization.
- 7) Directors and officers shall provide a disclosure statement annually, or as changes arise, regarding any potential conflict of interest. The Executive Committee of the board shall be responsible for oversight of all disclosures and/or failures to disclose and recommendation of appropriate actions to the Board of Directors.
- 8) Officers and directors who participate knowingly in activities that constitute a conflict of interest as described above, without proper reporting of the existence of such a conflict, may be subject to termination of their position on the board and/or any other sanctions which may be deemed appropriate.

### *Implementation of Policy*

To implement the foregoing, the Board Chair of the CoC shall provide to each board of director annually a copy of the Conflict of Interest Policy and questionnaire as a means of disclosure of potential conflicts or to verify that the individual does not have any such connections or interests.

Regardless of provisions for an annual questionnaire, every board member shall report any change in personal or professional status that might be construed to be in conflict with the interests of the CoC. If the Board Chair determines that any matter, situation, or connection so disclosed is contrary to the interest of the CoC, such conflict shall be eliminated within a reasonable time.

# Indiana Balance of State CoC FY 2024 NOFA Competition Project Ranking and Reallocation Policy

## Purpose

On an annual basis, the Indiana Balance of State Continuum of Care is required to rate and rank all new and renewal projects submitted to HUD for funding in an order that reflects the CoC's needs and priorities. Additionally, HUD requires CoCs to review the performance of all funded projects and seek to reallocate funding away from low performing projects or those providing services that are of a lower priority in preventing and ending homelessness.

The Indiana Balance of State is seeking to accomplish the following in the rating and ranking and of projects:

- Incentivize all providers to focus on outcomes and to seek to achieve the performance targets specified by the CoC and to improve the performance of the CoC system.
- Encourage providers to adopt evidence-based practices including Housing First to more effectively employ CoC resources.
- Replace projects that are not high performing, cost-effective, or following evidence-based practices with new projects that follow CoC and HUD priorities.

## Policy

### Ranking:

**All new and renewal projects will be ranked by the CoC.** The primary factor controlling the ranking of projects will be the scores assigned to renewal and new projects. Scoring is based on project performance, grant management, community outcomes, serving people with greatest need and highest vulnerability, and adherence to policy priorities. Except as specified below, projects will be ranked in the NOFA competition by the scores assigned to renewal or new projects.

There are three categories of projects that will not be ranked according to performance scores:

- Projects that are essential to the operation of the CoC. This includes funding for HMIS and Coordinated Entry. These are unique projects focused on CoC operations and that cannot be readily evaluated or compared to other CoC funded projects. Failure to renew this funding would have negative consequences for the CoC and jeopardize future funding opportunities.
- First time renewal of newly funded grants. HUD requires newly funded one-year project grants to be renewed in the competition. In most instances, these projects will not be able to report on a full year's worth of operations in the APR.
- This policy will also apply project transfers from one agency to another, during the first year of the new agency's operation of the grant. Like a new project, the new agency will not have operated for a full year to complete a competitive application.

The three project types identified above will not be assigned scores. These projects will be ranked by the CoC to assure – to the maximum extent possible – that they will be funded in the competition.

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It is expected that HUD will continue the Tier 1/Tier 2 process for 2024 and that portion of renewal funding that falls into Tier 2 will face the possible risk of the funding not being renewed.

All CoC projects other than those specified above will be ranked according to scores:

- Renewal projects will be ranked according to renewal project score. When multiple projects are under a single renewal grant, the grant with the highest score will serve to inform the ranking for the entire grant.
- New projects will be ranked according to scores given.
- If there is a tie score between a renewal and a new project, the renewal will be ranked ahead of the new. In the event of a tie between two renewal or new projects, the project serving the most participants will be ranked highest.

## DV Bonus

As in prior competitions, applicants may apply for projects under the Domestic Violence Bonus (DV Bonus). These are separate resources dedicated to serving survivors of domestic violence, dating violence or stalking.

As part of VAWA 2022, the reauthorization of the Violence Against Women Act, the definition of DV survivors eligible to be served by CoC programs has been changed. Category 4 of the homeless definition now reads: Any individual or family who **(i) is experiencing trauma or lack of safety related to**, or fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, traumatic, or life-threatening conditions related to the violence against the individual or a family member in the individual's or family's current housing situation, **including where the health and safety of children are jeopardized**; (ii) Has no other safe residence; and (iii) Lacks the resources to obtain other safe permanent housing.

Projects seeking funding under the DV Bonus may serve this population.

All projects seeking funding under this bonus must follow Housing First. Eligible project types that may only serve DV survivors include:

- Rapid rehousing for families and individuals
- Joint TH-Rapid rehousing for families and individuals.

These projects are scored separately by HUD based on: the overall CoC score, need for the project, engagement of people with lived experience, use of victim-centered practices, collaboration between the CoC and victim services providers, and experience of the provider. Multiple projects may be submitted for rapid rehousing or the joint component up to the total allowable for DV bonus funding to the CoC. Projects requesting DV Bonus funds must request at least \$50,000 in bonus funding.

## Reallocation

Current CoC grantees may elect to reallocate some, or all the funding associated with their project. These reallocated projects will be scored as new projects and ranked according to score the same as all new and renewal projects.

- CoC grantees in good standing (no outstanding HUD or IHEDA monitoring findings and no open audit findings) may voluntarily reallocate their funding and will not have to compete with other organizations for that funding. The reallocated project, will, however, have to compete for ranking with other new and renewal projects. In the 2024 competition these projects will be submitted as Transition Applications.
- Voluntary reallocation/transition projects will receive **15 bonus points** in the internal competition.

## Policy on Expenditure of Grant Funds

Funds unexpended at the completion of the grant term are recaptured by HUD. In some instances, these funds are then allocated to other CoCs or in other cases are returned to the federal treasury. The Indiana Balance of State seeks to minimize this recapture of funding and to the maximum extent possible ensure that homeless assistance funding allocated to Indiana is used to support homeless people in the state.

### *Under expenditure policy*

It is the policy of the Indiana Balance of State that CoC funds granted to an applicant agency will either be fully expended to assist eligible homeless people or the CoC will recapture the unspent funding and add it to the pool of resources available for reallocation.

Indiana Balance of State CoC grantees that expend less than 75% of their funding in the most recently completed grant year for all projects, may see their grant reduced by a minimum of 10%; those who expended below 50% may be reduced by 25%. Additionally, any grantee that leaves \$75,000 or more unspent in their award will have their grant reviewed and may have reallocation of funding. An annual review of this process will be conducted to ensure we reach at least 90% of funding. Projects that were reallocated in the prior competition may still be reviewed for reallocation, but additional consideration of the currently operated grant will be included in the decision to reallocate.

## Minimum Score for Automatic Renewal

The minimum score for automatic renewal of CoC funded projects is 70% of the highest scoring project.

- If the highest scoring project receives a score of 100, then all projects scoring below 70 will be reallocated unless a Project Improvement Plan has been submitted and approved by the Resources and Funding Committee. For example, should the highest scoring project receive a score of 90, then the minimum acceptable score would be 63.
- The Project Improvement Plan must specify how the project will improve performance and meet standards in the upcoming year. If the Resources and Funding Committee accepts the Project Improvement Plan, the grantee will be allowed to apply for renewal funding.

## Project Scoring for Renewal and New Projects

All projects that will be submitted to HUD for funding in the CoC Competition must complete a funding application. Renewal projects are required to complete the Internal Renewal Program Application (IRPA) process and comply with all information requests from the Collaborative Applicant during the competition to successfully complete the project application process. New projects will be required to complete a New Project Request for Proposal (RFP) and will have their information entered into the HUD ESNAPS system. New projects can choose to complete ESNAPS information without assistance, and in that circumstance, they will be submitting their project to contract directly with HUD.

A copy of the new and renewal projects scoring criteria is available upon request and will be submitted to HUD as a part of the annual competition attachments.

## Applicants for Funding

Any eligible applicant for CoC funds can apply for new projects from the bonus pool or the uncommitted reallocation pool. Eligible applicants include not-for-profit corporations and agencies of government. Nonprofit organizations must have supporting documentation.

The CoC will only rank new projects for which there is sufficient funding in the bonus, DV bonus, or reallocation pool to fully fund the project.

## APPEALS POLICY AND PROCEDURES FOR THE INDIANA BALANCE OF STATE COC PROGRAM COMPETITIVE APPLICATION PROCESS

### Purpose

The purpose of the appeals procedure is to settle disagreements between an applicant and/or grantee and the Indiana Balance of State Continuum of Care (BOS CoC) quickly and fairly. Where the appeal arises because of a project applicant objecting to actions and/or decisions taken by the Resource and Funding Committee or the full Indiana Balance of State Continuum of Care Board (CoC Board), the appeal process must proceed as expeditiously as possible to assure an equitable and efficient Continuum of Care Program Consolidated Application (CoC Application) process. To reach this goal, the BOS CoC Board shall establish an Appeal Subcommittee to review, respond to and adjudicate appeals. The Board vests in this Subcommittee the authority to make all decisions concerning appeals and its decisions are final.

### Policy

#### Criteria for an Appeal

An appeal may be filed by any CoC funded renewal project or any agency applying for a new project that claims it has been adversely affected by:

1. Improper application or interpretation of HUD or CoC rules and regulations concerning participation of the appellant in the CoC Application process, or
2. Disparity in the application of HUD or CoC rules, regulations and procedures regarding the participation of the appellant in the CoC Application process.

Appeals may be made whenever a decision has been made that may have an adverse effect on an applicant. This includes the score received by a renewal or new project application, a reduction in grant amount of renewal grants, or the ranking in the project priority list of new and renewal applications.

### Procedures

#### Overview

The appeals process is a two-step process: First, IHCD, acting as the Collaborative Applicant for the Indiana Balance of State Continuum of Care, will conduct an informal review on behalf of the CoC Appeals Committee to settle technical and/or procedural matters expeditiously. The Collaborative Applicant's role is to prepare an annual CoC Application for the CoC Board. In this role, the Collaborative Applicant will resolve technical matters during the informal review process. If the informal review of the appeal does not satisfy the concerns of the appellant, the matter will advance to a formal appeal process conducted by the Indiana Balance of State Appeals Committee.

#### Informal Review

To be considered for an informal review, an applicant must submit an appeal in writing based on one of the two criteria listed above to [enter email address] with the phrase "Informal Review" in the subject line no later than five (5) business days after the event that caused the appeal. The events that can cause an appeal include any decision made by the CoC Board or relevant committee that will impact the score of

renewal or new applications or the ranking of projects in the project priority list. The 5 business days for filing an appeal start on receipt of a scoring or ranking decision from the CoC.

The Collaborative Applicant will respond within five (5) business days of receipt of the appeal request.

#### Formal Appeals Procedure

If the informal review fails to resolve the matter, the applicant/grantee may then pursue a formal Appeal with the IN-BOS Appeals Committee. The following steps must be followed in the order given. An applicant organization may not omit a step.

##### **Step 1**

In order to be considered, an appeal must be filed in writing with the IN-BOS CoC within five (5) business days of the response to the informal review and submitted to [enter email] with the term "Appeal" in the subject line. The appeal must be based on one of the two criteria for an appeal and include facts that support the appeal.

The IN-BOS Appeals Committee has five (5) business days from receipt of the appeal to investigate, contact the applicant/grantee if necessary and respond in writing.

##### **Step 2**

If the applicant organization is not satisfied with the determination of the IN-BOS Appeals Committee, the applicant organization can appeal directly to HUD pursuant to the current NOFA for the CoC Program.