South Dakota Housing for the Homeless Consortium (SDHHC)
Continuum of Care (CoC)
Governance Charter Agreement
11/9/22

Contents

Organization

The SDHHC is an unincorporated statewide organization consisting of service providers, individuals, city/county/state/federal government, domestic violence agencies, veteran programs, persons with a lived homelessness experience and faith-based organizations. The U.S. Dept. of Housing and Urban Development (HUD) refers to this CoC as SD-500 – South Dakota Statewide CoC. SDHHC is SD-500 CoC.

Purpose

The purpose of the SDHHC is to:
- Promote community-wide commitment to the goal of ending homelessness;
- Research and apply for federal and as time and staffing allows non-federal funding opportunities for nonprofit providers and local governments to rapidly re-house homeless individuals and families while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness;

- Promote access to and effective utilization of mainstream programs by homeless individuals and families;
- Optimize self-sufficiency among individuals and families experiencing homelessness.
- Strive to meet the standards and requirements of HUD designated High Performing Communities (HPC). (Reference Subpart E—High-Performing Communities§ 578.65 Standards.); and
- Facilitate collaboration of community-based organizations, businesses, concerned individuals, advocates, government representatives, persons experiencing homelessness, and persons with lived homelessness experience within the state of South Dakota to actively participate in a long-term collaborative planning process focused on identifying and responding to issues related to homelessness.

Geographic Area

The SDHHC covers all 66 counties in the State of South Dakota. Beginning in 2021, HUD implemented changes that altered the previous way Continuum of Cares (CoC)s were organized geographically. These changes were initiated by HUD in regards to the geographical areas of all CoCs in the country. In 2022, Federally Recognized Native American Tribes with geographies in South Dakota, were invited to join with SDHHC and to incorporate the lands of the Tribes with the geography of SDHHC, which is now recognized as the 66 counties of the State of South Dakota and the geographies of Tribes that have consented to join SDHHC. Tribes may initially join the geography of SDHHC for the 2022 CoC Program Registration by providing a signed letter expressing the desire to join with SDHHC for CoC Program activities. Tribal CoC joining letters, need be signed by Tribal Leader such as Chairperson of Tribe or by the Director of Tribally Designated Housing Entity (TDHE) to be valid. Tribes will also need to provide a Tribal Resolution formally joining their geography with SDHHC for future CoC funding opportunity registrations.

Responsibilities

The SDHHC is responsible for fulfilling major duties, as follows
- Hold meetings of the full membership, with published agendas, and meeting minutes or meeting recordings, at least quarterly;
- Adopt and follow a written process to select a CoC governing board known as the Policy and Advisory Committee (PAC) that will act on behalf of SDHHC and review, update, and approve the process with alternating terms of service;
- Establish a code of conduct for the PAC and SDHHC members;
- Appoint additional committees, subcommittees, or workgroups;
- Create a separate Governance Charter for the Homeless Management Information System (HMIS) for South Dakota;
- Provide information and training opportunities such as the Annual Statewide Homeless Summit;
- Vote annually to elect persons to fill vacated positions on the PAC;
- Participation in the Annual Point-in-Time Count and Housing Inventory Chart;

- Assist with elevating awareness among state legislators of organizations and networks that address homelessness in South Dakota;
- Actively recruit new members; and make an invitation for new membership to join publicly available within the statewide geography at least annually by including new membership recruitment in a statewide press release and an invitation for new membership that is continuously posted on the SDHHC webpage www.housingforthehomeless.com;
- Develop, follow, and update annually a governance charter, which include all procedures and policies needed to comply with HUD, and a code of conduct and recusal process for the board, its chairs, and any person acting on behalf of the board.
- Consult with recipients and subrecipients to establish performance targets appropriate for the population and program type. Monitor recipient and subrecipient performance, evaluate outcomes, and take action against poor performers.
- Evaluate outcomes of projects funded under Emergency Solutions Grants (ESG) program and the Continuum of Care Program, and report to HUD.
- In consultation with recipients of ESG program funds, establish and operate a coordinated entry system (CES) that provides an initial, comprehensive assessment of the needs of individuals and families for housing and services. Continuum will have a specific policy to guide the operation of the CES on how the CES will address the needs of those who are fleeing or attempting to flee domestic violence, dating violence, sexual assault, or stalking, but who are seeking shelter or services from non-victim services providers. The system will comply with HUD requirements and notices.
- In consultation with recipients of ESG program funds, establish and follow written standards for providing assistance. Policies and procedures will be created and followed for providing prioritizing procedures for eligible individuals and families to receive assistance in programs; transitional housing assistance, rapid rehousing assistance, and permanent supportive housing assistance. Consistent standards will be used for determining what percentage or amount of rent each program participant must pay while receiving rapid rehousing.

CoC Membership
Open Membership and New Members

Membership in the SDHHC is open to all stakeholders in South Dakota, including 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, tribal organizations, and any other organization that serves veterans, homeless, and formerly homeless individuals or that serves individuals at risk of homelessness. Individuals with a lived homelessness experience are highly encouraged for membership and participation in SDHHC by targeting governing board member seats (2) for persons with a lived homelessness experience, by encouraging partnering agencies to assist those with lived homelessness experience to attend quarterly meetings, by supporting the Youth Action Board including, but not limited to, compensation for specific YAB tasks and by supporting SDHHC governing

board participation by mitigating financial costs for participation, as funding availability and stewardship allows.

SDHHC has a listserv of over 200 current members and SDHDA attends many town-hall meetings across the state to talk about SDHHC and to obtain new members. Also, the Annual Statewide Homeless Summit brings new members to SDHHC yearly. New members may enroll at any time during the year by providing to SDHHC their names, contact information, and any relevant affiliations.

Responsibilities of Members

Most of the responsibilities of the SDHHC will be carried out by the Policy and Advisory Committee which is the governing body for SDHHC, with the following exceptions:
- Unless the Board selection process is changed by a subsequent amendment to the Governance Charter, SDHHC members will vote annually to elect PAC members to available PAC positions.
- SDHHC members are expected to attend and participate in quarterly meetings to ensure continuity in the CoC planning process.

Membership Meetings

The full membership of the SDHHC shall meet at least quarterly. The meetings shall include a report on the CoC's activities, funding, and progress toward meeting goals. All members of the SDHHC are notified of the date, time, and location of these meetings.

South Dakota Housing Development Authority (SDHDA), in partnership with the SDHHC coordinates and holds an Annual Statewide Homeless Summit to bring agencies together to learn innovative ways to work with homeless individuals and families in their communities and to work towards the goals of ending homelessness in South Dakota.

Notice of Meeting

Notice of the place, date and time of each meeting, including the Statewide Annual Homeless Summit, shall be sent to SDHHC members by email or other reasonable means of communication at least 2 weeks before the meeting date, along with the agenda for the meeting.

CoC Committees, Subcommittees and Work Groups

The CoC may appoint additional committees, subcommittees and work groups as needed to carry out its work. All committees are reviewed and approved yearly by the PAC. The current approved SDHHC committees and boards are described below.

- Veteran – Addresses issues associated with veteran's experiencing homelessness and at risk and includes management of by-name list.

- Youth – Addresses issues associated with youth experiencing homelessness and at risk. Supports efforts of Youth Advisory Board.
- Youth Action Board (YAB) – Addresses issues associated with youth experiencing homelessness and at risk. Collaborate as equal members of SDHHC. YAB must contain membership that at a minimum is 2/3 currently experiencing homelessness or with a lived homelessness experience.
- HMIS - Addresses issues specific to the Homeless Management Information System.
- Coordinated Entry – Address issues specific to Coordinated Entry System.
- Point-In-Time – Address issues associated with planning and implementing the Point-In-Time Count and Housing Inventory Chart.
- Native American – Address issues involving Native American experiences of homelessness and prevention.
- Homeless Summit – Address issues with Homeless Summit planning and organization.

Policy and Advisory Committee - Governing Board

The SDHHC shall be governed by the Policy and Advisory Committee (PAC), chosen by the SDHHC members to make policy and advisory decisions and which will provide oversight and accountability for all SDHHC responsibilities; fulfilling the regulatory duties of a Continuum of Care (CoC) set forth in 24 CFR § 578. The PAC may change or make amendments to the CoC Governance Charter Agreement and any other SDHHC document. The PAC may create new official documents of SDHHC. Amendments, changes, and document creation are completed by a majority (51%) vote of a PAC quorum with a Chair present. The PAC shall be responsible for approval and implementation of all CoC policies and procedures as well as:

Continuum of Care Planning

- Coordinate implementation of a housing and service system;
- The creation of and the on-going oversight of the Coordinated Entry System for the state;
- Conduct, at least annually, a Point-in-Time Count meeting HUD requirements;
- Conduct annually, the Statewide Housing Inventory Chart per HUD's regulations;
- Provide information required to complete the Consolidated Plan(s);
- As part of funding competition, assist the CoC Administrator to:
  a. Establish performance targets appropriate for the population and program type
  b. Monitor recipient and subrecipient performances at least yearly
  c. Evaluate Outcomes
  d. Take action against poor performers

- Consult with other funding opportunities and services to ensure program barriers do not exist;
- Evaluate outcomes of projects funded under the ESG and CoC Grants program and report outcomes to HUD; and

- Consult with ESG and CoC recipients and subrecipients to establish performance targets appropriate for the population and program type, monitor recipient and subrecipient performance at least yearly, evaluate outcomes and take action against poor performers.

Preparation of a CoC Application for Funds

- Design, operate, and follow a collaborative process for the development of applications and approve submission of applications in response to a CoC Program Notice of Funding Opportunity (NOFO);
    i. SDHHC's priorities will be reflective of HUD's priorities outlined in the NOFA;
    ii. The PAC will rate and rank applications based upon the successfulness of the programs and the needs of the state that coincide with HUD's priorities including but not limited to utilizing Annual Performance Report (APR) data in the process:
- Establish priorities for funding projects that best meet the needs of the CoC.
- The PAC has determined that South Dakota Housing Development Authority (SDHDA) will be the Collaborative Applicant for the SDHHC and CoC Lead Agency. It is the responsibility of SDHDA to collect and combine the required application information from all applicants within the state submit the Collaborative Application to HUD, and apply for funding for CoC planning activities.
- For CoC grantees, establish performance targets appropriate for population and program type in consultation with grantees and subrecipients, then monitor grantees and subrecipient performance, evaluate outcomes, take actions against poor performers to include the reallocation of CoC funds via the CoC funding application process, and the development of project improvement plans, and report to HUD.
- The continuum (SDHHC) 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.

PAC Structure and Management

Board Membership Composition

The PAC consists of 11 members from the SDHHC, representing the two largest cities, as well as, rural areas. The PAC members are from government, mental health agencies, domestic violence agencies, community health organizations, community advocates, homeless non-profit organizations, and persons with lived homelessness experience. The target for PAC membership will consist of A) 3 from Sioux Falls Area; B) 3 from Rapid City Area; C) At least 2 persons with a lived homelessness experience; and D) At least 4 from areas outside of Sioux Falls and Rapid City. SDHDA serves as the lead agency for the SDHHC and supplies staff to the PAC for input and assistance with all policies and procedures. SDHHC Member organizations may have only one PAC member. Organization staff that are receiving CoC grant funding or are applying for CoC grant funding are prohibited from PAC membership.

Term of Office

PAC members serve staggered terms of four years allowing a gradual change in membership. In the first year, newly-elected PAC members may serve vacated terms or full four-year terms. Newly-elected PAC

members draw lots to determine the terms they serve either, full term or remainder of a vacated term. PAC members may be reelected and may serve two consecutive terms.

Nomination and Voting

Each year the PAC members will solicit recommendations from SDHHC members and develop for membership approval a slate of candidates for election to the PAC. The vote for open PAC positions is held yearly at the SDHHC quarterly meeting held in conjunction with the Statewide Annual Homeless Summit. In the event that the Annual Homeless Summit is not convened, the PAC will agree by majority vote of a quorum of PAC members on the processes for the PAC election for that year. A PAC election need be completed for each year that there are PAC terms expired, resignation, or removal. Active SDHHC members should be considered for the PAC however, lack of attendance at SDHHC meetings would not prohibit an individual from being elected to serve on the PAC, if such a person's employment (position or organization) is deemed beneficial to SDHHC. The PAC selection process will be reviewed, updated, and approved by the PAC on behalf of SDHHC annually and SDHHC will be duly informed of this process.

Officer Responsibilities

Policy Advisory Committee has asked that the Youth Advisory Board create and oversee a structure that provides a voice for youth and young adults (with and without lived experience) as part of the CoC Governing Board. This structure will have:

- A group agreement on how the YAB participates and provides feedback.
- A procedure to receive PAC Communications and all relevant documents.
- One or more members participating in monthly meetings as the YAB Representative, as often as possible in order to update the PAC on YAB activities and report back to the YAB.
- During all regular meetings this YAB representative will be a voting member.
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Resignation and Removal

PAC members may resign at any time by giving written notice to a PAC officer. In addition, PAC members may be removed from the PAC by a majority vote of a quorum of remaining PAC members for repeated misconduct, failure to participate appropriately including repeated absences from SDHHC quarterly meetings and PAC monthly meetings, or violation of the PAC Code of Conduct.

Vacancies

When a PAC member resigns, is removed, or cannot serve his/her full term for any reason, the PAC may appoint another SDHHC member to fill the unexpired term but preferably the full membership of SDHHC will vote in a new replacement member at the next quarterly meeting following the vacancy while allowing time for recruitment of an appropriate new PAC member and organization of an election to determine the will of SDHHC.

Officers

The officers of the PAC shall be the Chair, Vice-Chair and a Secretary.

Election and Terms of PAC Officers

The officers shall be elected by the PAC annually. Each officer shall hold office for a term of one year or until their successors have been elected and qualified. No person may hold more than one office at one time.

Officer Responsibilities

The Chair, Vice-Chair serve as the leaders of the PAC, preside over meetings of the PAC, and are responsible for ensuring the scheduling of meetings of the SDHHC, ensuring that the SDHHC meets quarterly, or more often as needed, and for ensuring the setting of the agenda for PAC and SDHHC meetings in collaboration with SDHDA, which is the Lead Agency for the SDHHC. The Chair and Vice-Chair oversee the dissemination of information to SDHHC and PAC members in a timely manner with the assistance of SDHDA. PAC meeting agenda and minutes shall be made available to PAC one week prior to meetings.

Secretary Responsibilities

The Secretary shall keep accurate records of the acts and proceedings of all meetings of the SDHHC and PAC, or designate another person to do so at each meeting. Such records will include the names of those in attendance. The Secretary shall chair the PAC in the case of the absence of the Co-Chairs.

Resignation of Officers

Unless otherwise provided by written agreement, any officer may resign at any time by giving written notice to any officer. Any such resignations shall take effect the date of the written notice or the date specified within the notice.

Officer Vacancies

Vacancies may be filled for the remainder of the term by a vote of the majority of the PAC at any meeting at which a quorum is present.

Rules of Governance for the PAC (Quorum and Voting)

A number equal to a majority of the PAC shall constitute a quorum for the transaction of business at any meeting. The PAC shall consist of a full membership of 11 members of which 6 or more must be present including a Chair to have a quorum. A majority vote (51%) of a quorum of members is required to make decisions. No voting can be conducted without a quorum present. If the number of PAC members falls

below 11 a quorum will be had when more than 50% of PAC are present. At all meetings, business items may be decided by arriving at a consensus. If a vote is necessary, all votes shall be by voice or ballot at the will of the majority of those in attendance at a meeting with a quorum represented. Each PAC member shall have one vote and proxies will not be allowed. No member may vote on any item which presents a real or perceived conflict of interest.

Voting by Email

When PAC action needs to be taken outside of a regular meeting the Chair or CoC Admin will CC the full membership of the PAC and CoC Support Staff. The email will contain the suggested written motion, all relevant material for discussion, the instructions that voting will not be counted until 72 hours has passed and the deadline for votes to be received. The record of discussion and the vote will extend only to that which is replied to all recipients. Such votes will not require a second. After the voting deadline votes will be counted among the replied all list and a simple majority (51%) is needed for action in either direction. The written record and vote count by name will be approved alongside the minutes at the next regular meeting of the PAC.

Appointment of Agents and Designation of HMIS

Collaborative Applicant

South Dakota Housing Development Authority (SDHDA) serves as the SDHHC's Continuum of Care Collaborative Applicant and is the Lead Agency for SDHHC. SDHDA maintains the records and documents of SDHHC on behalf of the PAC and tracks the funds awarded to SDHHC via the CoC funding competition. SDHDA submits application and accesses the CoC Planning Grant as the Lead Agency for SDHHC. SDHDA compiles and submits the CoC funding competition application for SDHHC as approved by the PAC. SDHDA employs the Continuum of Care Administrator whom provides information, guidance, and review for SDHHC CoC grantees, and provides information and assistance to the PAC. SDHDA submits the required CoC reporting to HUD including the Point-In-Time (PIT) Count, Housing Inventory Chart (HIC), System Performance Measurements (SPM), and Longitudinal System Analysis (LSA). SDHDA completes other responsibilities and tasks as delegated by the PAC.

HMIS Lead

The PAC is responsible for entering into the HMIS Lead Agreement and this decision is made by a majority vote of a PAC quorum. The PAC is responsible for the process of selecting the HMIS Lead and this procurement and selection process occurs at an interval of every five years. The next HMIS Lead selection year is 2025. The HMIS Lead selection process may also occur if yearly monitoring shows concerns and inconsistencies that are not adequately resolved within 90 days, or if the HMIS Lead were to formally resign this responsibility in writing to the PAC. The PAC rules on satisfactory resolution of concerns and inconsistencies by a majority vote of a PAC quorum. A majority vote of a PAC quorum will initiate the HMIS Lead procurement process due to performance concerns or resignation. The HMIS

Lead procurement process includes a public posting and email to SDHHC members of the opportunity and responsibilities of HMIS Lead along with a request for interested parties to submit a letter of intention including an explanation of HMIS capacity and willingness to serve as HMIS Lead with-in 30 days of posting to SDHHC webpage and email to SDHHC membership. SDHDA currently serves as the HMIS Lead. SDHDA employs the HMIS Administrator and is responsible for establishing, administering, supporting, and managing the HMIS on behalf of SDHHC. HMIS Lead develops and monitors policies and procedures for HMIS Contributing Homelessness Organizations (CHOs) and develops and monitors functionality, security, data quality plans, privacy policies, and reviews these policies and plans on at least a yearly basis, and makes changes and updates to plans and policies as approved by the PAC. HMIS Lead maintains up to date HMIS End User Agreements with each organization that participates (CHOs). HMIS Lead manages the HMIS on a daily basis and the PAC governs HMIS and approves any changes or updates to HMIS policies, plans, and procedures. PAC and HMIS Lead work together to ensure the HMIS meets HUD standards for data quality, security, and privacy. HMIS Lead reviews CHOs HMIS data quality at least quarterly and creates action plans as needed to address inadequacy while adhering to SD HMIS Data Quality Plan approved by the PAC.

HMIS Designation

SDHHC designates Client Track as the single Homeless Management Information System for its geographic area.

HMIS Governance Charter

The HMIS duties and responsibilities of the PAC, the HMIS Lead, and Contributing Homelessness Organizations (CHOs) are set forth in further detail in a separate HMIS Governance Charter.

Code of Conduct and Conflicts of Interest
Conduct and Attendance

Members, officers and staff must exercise care, diligence, and prudence when acting on behalf of the SDHHC. These individuals must timely complete work they have agreed to undertake on behalf of the SDHHC. In addition, they must attend SDHHC meetings and committee meetings and be prepared to discuss matters presented for their deliberation. Failure to complete work assignments will be grounds for removal from committee assignments. All PAC members must sign and adhere to SDHHC PAC Code of Conduct and Ethics Policy as a condition of PAC membership.

Conflict of Interest

SDHHC and PAC members must abide by the following rules in order to avoid conflicts of interest and promote public confidence in the integrity of the CoC and its processes. Failure to honor these rules will be grounds for removal from the Board and any of its committees.

- SDHHC and PAC members may not participate in or influence discussions or resulting decisions concerning the award of a grant or other financial benefit to:
  - Any organization that they or a member of their immediate family represents; or
  - Any organization from which they or a member of their immediate family derives income or anything of value.
- Whenever SDHHC and PAC members, or any of their immediate family members have a financial interest or any other personal interest in a matter coming before the SDHHC, they must:
  - Fully disclose the nature of the interest; and
  - Withdraw from discussing, lobbying or voting on the matter.

Disclosure

At the beginning of every meeting of the PAC or a general meeting of the SDHHC (if applicable) members must disclose if they have any conflicts of interest or potential conflicts of interest regarding any business included in the meeting's agenda.

Approval of Governance Charter and Subsequent Amendments

This Governance Charter and every subsequent amendment to it must be approved by a majority of the PAC members. The PAC will review the Governance Charter annually and request comment from the SDHHC members, to improve the functioning of the SDHHC and maintain compliance with federal and state regulations. This Governance Charter serves as and replaces the By-Laws for South Dakota Housing for the Homeless Consortium.