

Wake Continuum of Care

Collaborative Applicant and HMIS Lead Memorandum of Understanding

1. Introduction

The Wake Continuum of Care (CoC) plans, develops, and implements comprehensive and coordinated strategies across funding sources and systems to address homelessness within Wake County.

The Governing Board is the policy-setting and decision-making body for the CoC, which is responsible to the CoC membership to fulfill its HUD-defined responsibilities. The board is responsible for overseeing the planning, coordination of resources, and evaluation of results for the community. The CoC Governing Board will develop a process to select and approve a Collaborative Applicant for a five-year term with the understanding that a Collaborative Applicant may be selected more frequently if there are performance concerns. The Governing Board, through its Data Advisory Committee, is responsible for guiding the CoC's selection of an HMIS Lead Agency. The Data Advisory Committee will develop a process to select and approve a new HMIS Lead, as applicable, given the CoC's participation in a multi-jurisdiction HMIS.

2. Purpose

This MOU sets forth the terms, conditions, and expectations the Wake Continuum of Care (CoC) has for the Raleigh Wake Partnership to End Homelessness (The Partnership) in the performance of its duties and responsibilities as the Collaborative Applicant and HMIS Lead.

3. Terms

- a. The parties acknowledge that this MOU authorizes the Collaborative Applicant to enter into Planning Grants with HUD during the term of the MOU. The parties acknowledge this MOU authorizes the HMIS Lead to enter into HMIS grants with HUD during the term of the MOU.
- b. This MOU shall commence on the date of April 22, 2021 and shall continue for five (5) years until April 21, 2026 unless this MOU is terminated sooner as permitted under this MOU.
 - a. On or prior to one year prior to the MOU expiration date, the Governing Board must provide written notice to the existing Collaborative Applicant and HMIS Lead if it elects to conduct a competitive process to determine the next Collaborative Applicant and/or HMIS Lead. If the Board fails to provide such written notice, then the term of this MOU will be automatically extended for an additional five (5) year period.
 - b. If the Governing Board through its oversight process determines that the Collaborative Applicant and HMIS Lead has not satisfactorily corrected material performance deficiencies under a written corrective action plan within the specified timelines, the Board may terminate this MOU with written notice to the Collaborative Applicant and HMIS Lead.

- c. Should this MOU be terminated before the expiration date by the Governing Board, the Collaborative Applicant and HMIS Lead will be allowed to fulfill its obligations under its existing Planning Grant and HMIS grants. The MOU termination date will coincide with the expiration date of the Planning Grant occurring immediately following the date of notice of termination.
- d. The Collaborative Applicant and HMIS Lead may terminate this MOU for any reason by giving the Board one (1) year prior written notice. In this case, the termination date will coincide with the expiration of the Planning Grant and HMIS grants occurring immediately following the date of the notice plus one year.
- e. Upon termination for any reason, the Collaborative Applicant and HMIS Lead will participate in an expedient and professional transition of knowledge, documents, grants and all other relevant information (even if not identified by name in this document) to the successor entity. This transition will also include a formal training period, term of which will be negotiated by the parties involved, to facilitate the successful transfer of information with the minimal disruption to the CoC.

4. Modifications and Other Provisions

- a. Modifications. Either party may request modifications to this MOU. Any changes, modifications, revisions, or amendments to this MOU which are mutually agreed upon by and between the parties to this MOU shall be incorporated by written instrument, and effective when executed and signed by all parties to this MOU.
- b. Compliance with Applicable Laws. The parties shall at all times comply with all applicable laws, federal, and state, county, municipal statutes, ordinances, and regulations relating to this MOU or which may affect the performance of this MOU.
- c. Indemnification. Each party shall be responsible for and indemnify, defend, and hold harmless the other party, from and against any third party claims arising out of or in connection with (a) the negligent acts or omissions of its respective officers, agents, directors, and employees to the extent allowable by law; and (b) its breach or alleged breach of this MOU.
- d. Liability. No officer, member, official, or agent of the CoC or the Collaborative Applicant and HMIS Lead shall be personally liable in connection with this MOU.

5. Collaborative Applicant Major Deliverables & Activities

The Governing Board will notify the Collaborative Applicant in writing of any performance deficiencies and will work with the organization to develop corrective action plans with timelines to correct such deficiencies.

The Collaborative Applicant staff will assume responsibilities of the Collaborative Applicant under the CoC Program interim rule and any other CoC or Coordinated Entry Rules and Notices including the following major deliverables and activities:

- a. Propose revisions to the governance charter, to ensure compliance with all procedures and policies needed to comply with HUD requirements and with HMIS requirements, including a code of conduct and recusal policy for the Wake CoC Governing Board members and any person acting on behalf of the Wake CoC Governing Board.

- b. In consultation with recipients of Emergency Solutions Grant (ESG) funds within the CoC's geographic area, establish and operate either a centralized or coordinated entry system that provides an initial, comprehensive assessment to ensure prioritization and matching of the needs of individuals and families to housing and services.
- c. In consultation with recipients of ESG funds within the CoC, draft written standards for the CoC Governing Board approval and providing for CoC assistance.
- d. Monitor the performance of CoC and ESG recipients and sub-recipients.
- e. Report the outcomes of ESG and CoC projects to HUD and the CoC Governing Board, at least annually.
- f. Facilitate on-going coordination among CoC components.
- g. Strategize to maximize efficiency in service provision.
- h. Coordinate training of staff implementing CoC projects.
- i. Identify best practices to implement in the CoC and educate CoC member agencies about best practices.
- j. Share information with the CoC Governing Board to facilitate effective leadership of the CoC.
- k. Coordinate the implementation of a housing and service system within the CoC's geographic area that meets the needs of homeless individuals and families. At a minimum, such a system encompasses the following:
 - Outreach, engagement, and assessment
 - Shelter, housing, and supportive services
 - Prevention strategies
- l. Plan for and conduct, at least annually, a point-in-time count of homeless persons within the CoC geographic area that meets HUD requirements, including a housing inventory of shelters, transitional housing, and permanent housing reserved for homeless persons, in general, and chronically homeless persons and veterans, specifically, as HUD requires.
- m. Conduct an annual gaps analysis of the needs of homeless people, as compared to available housing and services within the CoC geographic area.
- n. Provide the information required to complete the Consolidated Plan(s) within the CoC geographic area.
- o. Consult with State and local government ESG recipients within the CoC geographic area on the plan for allocating ESG funds and reporting on and evaluating the performance of ESG recipients and sub-recipients
- p. Develop a proposed plan for the Wake CoC Governing Board regarding public education on homelessness, advocacy at the state or local level related to housing and homelessness, and policy recommendations to state or local governments in the CoC region.
- q. Design, operate and follow a collaborative process for the development of a CoC application to HUD.
- r. Submit the final application in response to the CoC Notice of Funding Availability (NOFA).
- s. On behalf of the Governing Board, holding meetings of the full CoC membership, with published agendas at least semiannually.
- t. Staffing CoC committees and workgroups, including preparation of agendas and minutes, meeting materials and communications, maintaining records, and distribution lists.
- u. Assisting the CoC, through its committees and workgroups, to develop performance targets and evaluate performance.

In addition to the activities named above from the Charter, this MOU assigns the following responsibilities to the Collaborative Applicant:

CoC Communications. The Collaborative Applicant will carry out necessary activities related to facilitating communication on behalf of the CoC. Components of this work will generally include:

- a. Maintain a contact list of all Wake County CoC members.
- b. Maintain a dedicated website for the CoC and ensure it is readily accessible to the CoC, Governing Board and Committee Leadership, and the general public.
- c. Distribute a CoC-focused newsletter once a month.
- d. Develop and distribute an invitation for new members to join the CoC at least annually.
- e. Draft and send letters of support for agencies upon request, following a protocol approved by the Governing Board.
- f. Draft and send communications on behalf of the CoC at the request of the CoC Board or any of its committees.

Annual Planning. On an annual basis, the Governing Board will work with the Collaborative Applicant to develop strategic goals for the Collaborative Applicant's mandatory activities listed above and include it in an annual work plan.

Accountability. At minimum of annually, the Collaborative Applicant will meet with the Governing Board and submit a report per the template approved by the Governing Board. The Collaborative Applicant will work with the Governing Board to survey constituents throughout the CoC to identify areas of exemplary Collaborative Applicant performance as well as areas that require improvement of the Collaborative Applicant. The Governing Board can request that the Collaborative Applicant receive technical assistance to address any areas requiring improvement.

6. HMIS Lead Major Deliverables and Activities

The Governing Board, through consultation with the Data Advisory Committee, will notify the HMIS Lead in writing of any performance deficiencies and will work with the organization to develop corrective action plans with timelines to correct such deficiencies.

The HMIS Lead staff will assume responsibilities of the HMIS Lead under the CoC Program interim rule and any other HMIS Rules and Notices and including the following major deliverables and activities:

The Raleigh Wake CoC is part of a multi-CoC HMIS implementation in North Carolina which has contracted with the Michigan Coalition Against Homelessness to carry out a significant portion of the HMIS Lead responsibilities. The multi-CoC implementation has a North Carolina HMIS Governance Committee which includes representation from the member CoCs, including Raleigh/Wake County.

The Raleigh/Wake Partnership to End and Prevent Homelessness serves as the local System Administrator for the HMIS in the Raleigh/Wake CoC and currently represents the CoC on the NC HMIS Governance Committee.

The HMIS Lead and the local System Administrator:

- a. Ensure that projects are meeting national data quality objectives
- b. Ensure that the CoC has an HMIS data privacy plan, security plan, and data quality plan
- c. Document compliance project rules and record requirements
- d. Ensure that the HMIS is administered in compliance with HUD requirements
- e. Ensure consistent participation by CoC and ESG recipients in HMIS
- f. Ensure that the CoC has a successful and operational HMIS
- g. Coordinate efforts to encourage non-HUD funded projects to participate

Annual Planning: On an annual basis, the Data Advisory Committee will work with the HMIS Lead to develop strategic goals for the HMIS Lead's mandatory activities listed above and include it in an annual work plan.

Accountability: At minimum of annually, the HMIS Lead will meet with the Governing Board and Data Advisory Committee and submit a report per the template approved by the Data Advisory Committee. The HMIS Lead will work with the Data Advisory Committee to survey HMIS users to identify areas of exemplary HMIS Lead performance as well as areas that require improvement of the HMIS Lead. The Governing Board can request that the HMIS Lead receive technical assistance to address any areas requiring improvement.