

CoC GOVERNANCE CROSSWALK OF CHANGES:

CONTINUUM OF CARE PROGRAM, SUPPORTIVE HOUSING PROGRAM, AND SHELTER PLUS CARE PROGRAM REGULATIONS

The purpose of this document is to provide a quick reference guide to citations for the new Continuum of Care (CoC) Program interim rule related to the Continuum of Care, its responsibilities, the CoC board, and the CoC Program grant application and preparation. Since the CoC Program is consolidating and replacing the Supportive Housing program (SHP regulation at 24 CFR part 583) and the Shelter Plus Care program (S+C regulation found at 24 CFR part 582), the tables also provide citations for relevant sections in these legacy HUD homeless assistance grants programs. Many of the highlights below are new to the regulations, but have been implemented in the past through the Notice of Funding Availability (NOFA) process. The highlights below pull from the regulatory language of the new CoC Program, but are paraphrased for concise explanation. These highlights will help to facilitate identifying and comparing regulatory changes that will affect the CoC and may have a direct impact on CoC governance.

Purpose of the Program	CoC Program Interim Rule	Legacy Homeless Programs	Highlights of the CoC Program Interim Rule (new provisions are noted in bold)
Purpose and Scope	578.1(b)	583.1(a) 582.1(a) NOFA	(1) Promote community-wide commitment to the goal of ending homelessness (2) Provide funding for efforts by nonprofit providers, States, and local governments to re-house homeless individuals and families rapidly while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness (3) Promote access to and effective utilization of mainstream programs by homeless individuals and families (4) Optimize self-sufficiency among individuals and families experiencing homelessness

Establishing and Operating the CoC	CoC Program Interim Rule	Legacy Homeless Programs	Highlights of the CoC Program Interim Rule (new provisions are noted in bold)
Establishing the CoC	578.5(a)	NOFA	Representatives from relevant organizations within a geographic area shall establish a Continuum of Care to carry out the duties of the CoC Program.
Establishing the CoC—Board	578.5(b)		The CoC must establish a board to act on its behalf that is representative of the relevant organizations and of projects serving homeless subpopulations within the Continuum of Care’s geographic area and that includes at least one homeless or formerly homeless individual to act on its behalf by August 30, 2014.

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Conflicts of Interest – Board Members	578.95(b)	NOFA	No CoC 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.
CoC Responsibilities—Operations	578.7(a)		<p>The CoC must:</p> <ul style="list-style-type: none"> • Hold meetings of the full membership, with published agendas, at least semi-annually • Issue a public invitation annually for new members to join within the geographic area • Adopt and follow a written process to select a CoC board and review , update, and approve at least once every 5 years • Appoint additional committees, subcommittees, or workgroups • Adopt, follow, and update annually, a governance charter in consultation with the collaborative applicant and the HMIS lead • Establish performance targets appropriate for population and program type in consultation with recipients and subrecipients, then monitor recipient and subrecipient performance, evaluate outcomes, and take actions against poor performers • Monitor recipient/subrecipient performance and outcomes of Emergency Solutions Grant (ESG) and CoC Programs, and report to HUD • Establish and operate a centralized or coordinated assessment system in consultation with recipients of ESG funds • Establish and follow written standards for providing CoC assistance in consultation with recipients of ESG funds
CoC Responsibilities—HMIS	578.7(b)	NOFA	<p>The CoC must:</p> <ul style="list-style-type: none"> • Designate a single HMIS for its geographic area and designate an eligible applicant to manage its HMIS • Review, revise, and approve privacy, security, and data quality plans • Ensure consistent participation of recipients/subrecipients in HMIS • Ensure that the HMIS is administered in compliance with HUD requirements

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CoC Responsibilities—Planning	578.7(c)	NOFA	<p>The CoC must develop a plan (covering the applicable geographic area) that calls for:</p> <ul style="list-style-type: none"> • Coordinating implementation of a housing and service system • Conducting, at least biennially, a Point-in-Time count of homeless persons that meets HUD requirements • Conducting an annual gaps analysis of homelessness needs and services • Providing information required to complete the Consolidated Plan(s) • Consulting with State and local ESG recipients in the geographic area on the plan for allocating ESG funds and reporting/evaluating performance of ESG programs
Preparing an Application for Funds	578.9(a)	Elements of 582.300 (d)(2) NOFA	<p>The CoC must:</p> <ul style="list-style-type: none"> • Design, operate, and follow a collaborative process for the development of applications and approve submission of applications in response to a CoC Program NOFA • Establish priorities for funding projects • Determine if one application or more than one application will be submitted <ul style="list-style-type: none"> ○ if more than one, designate the collaborative applicant ○ if only one, the applicant is the collaborative applicant <p>The collaborative applicant must collect and combine the required application information from all projects within the geographic area and will apply for funding for CoC planning activities. If the CoC is an eligible applicant, it may designate itself.</p>
CoC Responsibilities	578.9(b)		<p>The CoC retains all of its responsibilities, even if it designates eligible applicants other than itself to apply for funds. Responsibilities extend to approval of the CoC Program application.</p>

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Unified Funding Agency (UFA) Designation	578.11(a–b)		<p>To become designated as a Unified Funding Agency, a collaborative applicant must be selected by the CoC to apply to HUD for designation as the UFA for the CoC. HUD will consider the following criteria when determining whether to designate a UFA:</p> <ul style="list-style-type: none"> (1) The CoC represented by the collaborative applicant meets the requirements in §578.7 (2) The collaborative applicant has financial management systems that meet the standards in 24 CFR part 84.21 or part 85.20 (3) The collaborative applicant demonstrates the ability to monitor subrecipients (4) Such other criteria as HUD may establish by NOFA
UFA Requirements	578.11(c)		<p>HUD-designated UFAs must apply to HUD for funding for all projects and enter into a grant agreement for the entire geographic area; enter into legally binding agreements with and receive and distribute funds to subrecipients for all projects in the geographic area; require subrecipients to establish fiscal control and accounting procedures; obtain approval by the CoC before submitting any request for a grant amendment to HUD.</p>
Remedial Action	578.13		<p>If HUD finds that the CoC for a geographic area does not meet the requirements of the HEARTH Act or the CoC Program interim rule, HUD may take remedial actions, such as designating a replacement CoC, designating a replacement collaborative applicant, or accepting applications from other eligible applicants within the CoC’s geographic area. HUD must provide 30-day prior written notice to the CoC and the collaborative applicant and give them an opportunity to respond before taking any of these measures.</p>

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CoC Planning and Administrative Expenses	CoC Program Interim Rule	Legacy Homeless Programs	Highlights of the CoC Program Interim Rule (new provisions are noted in bold)
CoC Planning	578.39		Collaborative applicants may use up to 3 percent of FPRN, or a maximum established by NOFA, for developing a community-wide process for coordination of providers, other relevant organizations, and homeless and formerly homeless individuals; determining the geographic area to be served by the CoC; developing a CoC system; evaluating outcomes of CoC- and ESG-funded projects; participating in the Consolidated Plan; preparing and submitting an application to HUD that, among other requirements, calls for conducting a sheltered and unsheltered point-in-time count and other data collection; and monitoring and enforcing program compliance.
UFA Activities and Costs	578.41		UFAs may use up to 3 percent of FPRN, or a maximum established by NOFA, for fiscal control and accounting costs to ensure that all financial transactions carried out under the CoC Program are conducted in accordance with generally accepted accounting principles, including monitoring subrecipients and enforcing compliance with requirements.