

Conforming Amendments to the Continuum of Care Policies and Procedures for the Administration of the 2017 Texas Department of Housing and Community Affairs Emergency Solutions Grant Program Competition

Discussion

The Fort Worth/ Arlington/ Tarrant County Continuum of Care (TX-601) selected Tarrant County Homeless Coalition (TCHC) to serve as the “ESG Coordinator” for the 2017 Texas Department of Housing and Community Affairs (TDHCA) Emergency Solutions Grants Program (CoC Board Action Item: [161109-061](#)). As in 2016, TX-601 needs to amend its policies and procedures to comply with TDHCA guidelines for the administration of the program.

1) Selection Process, Role of the Community Projects Review Committee, and Appeals

To conform with TDHCA guidelines, TX-601 needs to amend its policies and procedures to clarify three items:

- a. Role of the Community Projects Review Committee (CPRC) in the selection of TDHCA Emergency Solutions Grant Program funding recipients
- b. Process by which applicants will be selected for funding
- c. Process whereby an applicant that did not receive funding can appeal their decision

Recommendation

Tarrant County Homeless Coalition recommends adoption of the following amendments to the TX-601 Policies and Procedures:

1) The 2017 Texas Department of Housing and Community Affairs (TDHCA) Emergency Solutions Grant Program (ESG) competition will be administered in accordance with these policies and procedures.

- a) Role of the Community Projects Review Committee (CPRC)
 - i) The CPRC’s role will be to review and rank applications for the TDHCA Emergency Solutions Grant local competition.
- b) Selection Process
 - i) The ESG Coordinator will develop a Request for Proposals (RFP) that describes application threshold and ranking criteria that will be utilized in the ranking of projects.
 - ii) The ESG Coordinator will facilitate a closed meeting of the CPRC for the purposes of reviewing and ranking applications.
 - iii) The ESG Coordinator will prepare and publish the project ranking list as instructed by the CPRC.
 - iv) When ranking and funding decisions necessitate changes to applicant budgets, the ESG Coordinator will communicate budget adjustments to individual applicants before final submission of the application to TDHCA.
- c) Appeals

Who may appeal: Eligible applicant organizations that submitted an application to the ESG RFP and met proposal submission requirements by the established deadline that were not awarded funds by the Tarrant County Homeless Coalition (ESG Coordinator).

The applicant (Appealing Party) must provide evidence that demonstrates an error on the part of the ESG Coordinator in not awarding the grant. Documentation submitted by the applicant must include:

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- a. Evidence from the application supporting the applicant's claim that the project application met eligibility and quality thresholds set forth in the ESG Coordinator's proposal submission requirements;
- b. Documentation that the application was improperly scored or ranked; and;
- c. Evidence that the applicant believes the ESG Coordinator failed to follow its selection priorities set forth in the ESG Coordinator's proposal submission requirements which resulted in the project not being funded (e.g., selecting a lower-ranked similar project).

Not later than the seventh day after the Appealing Party has been notified of the ESG Coordinator's decision, the Appealing Party must file a written appeal with the TDHCA Executive Director. Pursuant to the requirements of 10 TAC Chapter 1, Subchapter A §1.7, the written appeal must include specific information relating to the disposition of the application. The Appealing Party must specifically identify the grounds for the Appeal based on the disposition of the application. Upon receipt of an Appeal, staff shall prepare an Appeal file for TDHCA's Executive Director. The Executive Director shall respond in writing to the Appeal not later than the fourteenth day after the date of receipt of the Appeal.

If the Appealing Party is not satisfied with the Executive Director's response to the Appeal, they may appeal in writing directly to the Board of the TDHCA within seven days after the date of the Executive Director's response. In order to be placed on the next Board agenda, the appeal must be received by the Department at least fourteen days prior to the next scheduled Board meeting. Appeals requested under this section received after the fourteenth calendar day prior to the Board meeting will be scheduled at the next subsequent Board meeting. The Executive Director shall prepare an Appeal file for the board's review based on the information provided. If the Appealing Party receives additional information after the Executive Director has denied the Appeal, but prior to the posting of the Appeal for Board consideration, the new information must be provided to the Executive Director for further consideration or the Board will not consider any information submitted by the Applicant after the written Appeal. New information will cause the deadlines in this subsection to begin again. The Board will review the Appeal de novo and may consider any information properly considered by the Department in making its prior decision(s).

In instances in which the Appeal, if sustained by the Board, would have resulted in an award to the Appealing Party, the Application shall be approved by the Board contingent on the availability of similar fund mechanisms. If no funds are available in the current year's funding cycle, then the Applicant may be awarded funds from the next year's available funding or from the pool of deobligated funds at the discretion of the Board. If the Appeal is denied, the Department shall notify the Applicant of the decision.

Appeals not submitted in accordance with this section will not be considered by the Board, unless the Board, in the exercise of its discretion, determines there is good cause to consider the appeal. The decisions of the Board are final.