

The Iowa Council on Homelessness

DRAFT MINUTES

CONTINUUM OF CARE APPEALS COMMITTEE

Friday, July 29, 2016, 1:00 PM

Location: the Iowa Finance Authority – Helmick Conference Room

Address: 2015 Grand Avenue, Des Moines, Iowa 50312

A meeting of the Continuum of Care Appeals Committee was held on July 29, 2016. The following voting members were present: Donna Phillips (Chair), Tony Timm, and Roberta Wahl. A quorum was established.

I. INTRODUCTIONS

Introductions were conducted. In addition to the three members of the Appeals Committee, Tim Wilson was present representing the Continuum of Care (CoC) Committee and Carole Vipond from IFA were in attendance. There were no phone-in callers and no representatives of the 3 appellants.

A test of the phone call in system was done by 2 of the committee members to ensure that it was working properly and the call-in numbers were listed correctly on the Agenda. It was verified that all was working properly. Chair Phillips also clarified for the record that an email did go out to the 3 appellants providing the call-in number and stating that the Agenda would be posted by 1:00 p.m. on Thursday, July 28th.

II. APPROVAL OF THE AGENDA

A motion to approve the Agenda was made by Tony Timm and seconded by Roberta Wahl. It passed unanimously.

III. Overview of the Process

A brief overview of the process was done by Chair Donna Phillips. (The Appeal Process document is posted on the Iowa Finance Authority (IFA's) website.) Chair Phillips summarized that we will hear from individuals that appealed if they want to summarize their appeal verbally, that we already have the written appeals on file which have been reviewed by the Appeals Committee (these are also posted on IFA's website). The Appeal Committee will have the opportunity to ask any clarifying questions. There will be a motion from the Appeal Committee to overturn, entertain further discussion, or accept the original score. There will be a vote and if a consensus is reached we will move forward to the next appeal. If no consensus is reached then 2 out of 3 will carry. Chair Phillips confirmed that she is Chair of the Committee, but still a voting member. For the record she wanted it clarified that all three voting members of the Appeals Committee confirmed that they had no Conflict of Interests concerning any of the appeals or the original CoC projects, nor were any of the members reviewers of the original applications. All three stated this was correct.

IV. Hearing of Appeal from: Phoenix Housing (City of Dubuque)

Chair Phillips summarized that the City of Dubuque recognized there was error in their process, and are asking for an appeal of the rating of question #15 on the application. An oversight resulted in them not attaching their termination/appeals policy. They stated that the CoC Board had a history of forgiving human error and they were asking for forgiveness of this oversight. Mr. Timm pointed out that this was hard, acknowledging that we all make errors, however he felt their review team should have made sure that policy was attached as required. If contesting “c” it is worth 1 point of the possible 10.

Mr. Tim Wilson provided the following comments as the CoC Committee representative. This appeal is not based on either of the two conditions (“a. and b.”) stated in the Appeals Process. The application instructions clearly preclude the awarding of any points in Section 15 b): ***“Please also attach a copy of the project’s termination/appeals policy; no points may be awarded in this section if the policy is not included, or if the policy includes contradictory information”***. No such policy was submitted with the application. Item 15.c. had a possible one point. Given that the required policies were not attached, this application was not eligible for this point. Whether or not the agency policies met the stated criteria is irrelevant for 15 b) and c). Furthermore, the Appeals Process clearly states under “Process and Timeline, “No new information may be added.” The reviewers did give the applicant the benefit of the doubt in section 15 a) awarding full points. The Continuum of Care Committee asks that this appeal be dismissed on the grounds that it lacks both standing and even if granted standing, lacks proof of meeting either of the two conditions stated in the Appeals Process.

Chair Phillips wanted to clarify that it was unclear whether they were appealing the scoring of all of #15 or just “c”, however she saw nothing to warrant a change in the scoring either way.

A motion to deny the appeal was made by Mr. Tony Timm, and seconded by Roberta Wahl. There was no further discussion. The motion passed unanimously.

V. Hearing of Appeal from: Community Housing Initiatives

Chair Phillips confirmed there was no phone representative, and provided a brief recap of the two points requested for reconsideration, question #18 and #16. Question #18 concerned unspent funds and appellant felt it was answered earlier in the application where they lost points for it; the questions does not ask for an explanation of the unspent funds and 12 of the 4 reviewers deducted 1 point for the answer. Question #16 concerned other applicants reporting that they had staff who completed the SOAR training while the SOAR list they (CHI) attached indicated not all had attended the training as reported.

Mr. Tim Wilson provided the following comments as the CoC Committee representative. This appeal does not specifically state upon which condition (a. or b.) it is based. Giving the agency the benefit of the doubt that b. is being used as grounds, the only part of the argument that is really relevant here is that one reviewer deducted 1 point explicitly for “unspent funds.” The reviewers’ instructions for this section read, in part, “Applicants are to complete a table...that matches their project type. 1 or 2 points are to be awarded for each box that is filled in, 2 points for all client numbers and costs as long as they match same categories include in narrative and/or budget.” Since the numbers did match in this case and because the reviewer specifically stated

that this was their reason for deducting a point, the Continuum of Care Committee has no objection to the awarding of 1 point from the reviewer who deducted a point. A decision to award that point would change the cumulative score by .25. It would not change this application's rank *vis a vis* all other renewal projects. The second challenge does not argue that this agency's application should be rescored but rather that some of the other applications should be adjusted downward for claiming points which for which they may not have been eligible. This is irrelevant, as the Appeals Process states specifically, "An appeal can only be made by an applicant regarding the scoring of its own application." The Continuum of Care Committee asks that this part of the appeal be dismissed for lack of standing.

There was additional discussion from the other committee members and it was agreed that the 2nd challenge provided a good point and that we should be "doing our homework" and going forward attempt to ensure confirmation of stated facts in an application whenever possible. Ms. Wahl emphasized that the team completing the application should take responsibility for verifying the information, providing certifications, and communicating their efforts in the application process.

Chair Phillips requested two separate motions to ensure clarity of the 2 points in this appeal.

- Question #18, concerning unspent funds: Motions was made by Mr. Tony Timm to find in favor of the appeal and grant .25 of 1 point of the overall score, which is granting 1 point for that question by one of the 4 reviewers. Seconded by Ms. Wahl and passed unanimously.
- Question #16, concerning the accurate reporting of SOAR completion by other applicants. Mr. Tony Timm moved to deny question #16 on appeal from CHI because it is outside of the scope of the appeal process for the committee to remove points from other applicants during the appeal process. Seconded by Ms. Wahl and passed unanimously.

VI. Hearing of Appeal from: Vera French Housing

Chair Phillips did a brief recap of the appeal. Note that all committee members have already had an opportunity to review the entire appeal document and a copy of the complete appeal can be found on IFA's website. There were 7 questions/scoring areas challenged. The appellant asked for reconsideration on all. It was pointed out that the first one was actually #3 - APR Submission (not #2 as listed on the appeal). The remaining 6 were:

#4 - Local Collaboration

#5 Iowa Council on Homelessness Council Meeting Participation

#13 Beds dedicated to PSH

#17 Supportive Services

#18 Outcomes and costs per successful outcome

Mr. Tim Wilson provided the following comments as the CoC Committee representative. There were seven different scoring areas challenged. In no instance was either of the two conditions (a. or b.) cited as a basis for appeal. Reviewers' scores ranged from 79 to 88. None of the challenges are based on either of the two conditions ("a. and b.") stated in the Appeals Process.

3. APR Submission. Applicants were to submit figures to HUD and to IFA for whatever year they had most recently completed an APR. The funding years for projects range all over the

calendar so it is simply not practical to ask for a particular date. Therefore, the application allowed for flexibility. Projects new in 2015 were afforded full points here, as they would obviously not have had an opportunity to complete their first year. However, this was not a new project. IFA could find no record of having issued an extension. The report was not submitted until six months after the end of the stated project year (12/1/2015 project year end vs. 6/13/2016 report submitted.) Two of the reviewers held the agency to the stricter standard while two gave them the benefit of the doubt. This seemed to be a reasonable compromise.

4. Local Collaboration. Two reviewers gave 2 of 3 points and two awarded all 3. This was one of the more subjective questions on the application. Reviewers brought different levels of understanding and experience to what constitutes “local collaboration” and were reviewing this in the context of several other application responses, most of which were more impressive. A difference of a single point among reviewers is not surprising; certainly not meeting a criteria of “lack of fairness.”

5. IHC Meeting Participation. The question asks if any representative of the program has been an *active participant* in meetings. “Listened on the phone and used the websites and links that are referenced” was understandably not regarded as “active participation” by three of the four reviewers.

13. Beds dedicated to PSH. This was a question in which reviewers were able to compare numerical (percentage, in this case) responses across several applications. The question and value were included because this has clearly become a priority for HUD. The fact that two reviewers deducted 1 point and that two gave full points is not therefore surprising and does not rise to a criteria of “lack of fairness.”

17. Supportive Services. Reviewers were instructed to score this section, in part “Clients are to indicate from a list those services which are provided as part of the project, who is providing them and how often. ...If 10 services are *provided with appropriate frequency*, all 10 points are to be awarded. Fewer points should be awarded if less than 10 services are listed and/or if *services seem inappropriately limited* in availability.” Therefore, reviewers had some discretion in determining whether or not each of the listed services appeared to be appropriately available to clients. Out of a total of 10 possible points, one reviewer deducted 2 points, another deducted 1 and the others gave full points. This does not rise to a criteria of “lack of fairness.”

Furthermore, the appeal states that the drop down format did not allow for additional information. In fact, nothing in the instructions precluded applicants from adding explanatory information here and some other applications included such information.

18. Outcomes and costs. Applicants were to match costs from question #10 with the items in this section asking for total costs and the amount of CoC funds applied to the program. One or two other applications failed to follow this instruction and they were also deducted points by reviewers. For this 16 point section, one reviewer deducted 2 points, another 4 and the others gave full points. There was a correct response in this case but the application did not reflect the correct number.

Chair Phillips summarized Mr. Wilson’s statements that the reviewers had all the documentation before them; they took everything into consideration, and gave adequate reasons for their scores. She asked Mr. Wilson for the CoC Committee’s recommendations. Mr. Wilson provided the CoC’s recommendation to deny each and every one of the appeals.

Further discussion by members of the Appeals Committee included that all materials had been read, that independent scores were within the margin of reason, and that the system was set up to have multiple reviewers, and that they did their job. It was also discussed whether anything had been provided to them about HUD's submission, or any other documentation provided to them. It was pointed out that they did not include any documentation in their submission to verify HUD had not responded to them, and that they had the option to use the prior year where they did have a completed APR.

A motion was made by Mr. Tony Timm to deny the entire appeal from Vera French Housing. It was seconded by Ms. Wahl and passed unanimously.

VII. ADJOURN

Chair Phillips thanked all the reviewers and appeal committee members for their hard work. On a motion by Mr. Tony Timm and seconded by Ms. Roberta Wahl, the July 29, 2016 meeting of the Continuum of Care Appeals Committee was adjourned.

Appeals Committee Voting Members Present

1. Donna Phillips (Chairperson), Iowa Attorney General's
2. Tony Timm, AmeriHealth Caritas
3. Roberta Wahl, Des Moines Area Community College

Others Present

1. Tim Wilson – Home Forward Iowa, and Chairman of the Continuum of Care Committee
2. Carole Vipond – Iowa Finance Authority