

The Iowa Council on Homelessness

DRAFT MINUTES

CONTINUUM OF CARE APPEALS COMMITTEE

Friday, August 26, 2016 9:00 a.m.

Location: the Iowa Finance Authority – McNarney Conference Room

Address: 2015 Grand Avenue, Des Moines, Iowa 50312

A meeting of the Continuum of Care Appeals Committee was held on August 26, 2016. The following voting members were present: Karin Ford (Chair), Sandy Johnson, and Roberta Wahl. A quorum was established.

I. Introductions

Introductions were conducted. In addition to the three members of the Appeals Committee the following were also in attendance: Tim Wilson representing the Continuum of Care (CoC) Committee, Amber Lewis and Carole Vipond from IFA, and calling in by phone, representatives of the two appellants: Ashley Schwalm from Family Resources and Mariliegh Fisher from Community Housing Initiatives, Inc.

II. Approval of the Agenda

A motion to approve the Agenda was called for by Chair Karin Ford, motion by Sandy Johnson and seconded by Roberta Wahl. It was passed unanimously.

III. Overview of the Process

A brief overview of the process was done by Chair Karin Ford stating that we will be looking at the appeals and the letters submitted. Amber Lewis provided a brief outline of the appeals process. The draft “Appeal Process” document was approved May 20, 2016 and is posted on the Iowa Finance Authority (IFA’s) website. It was also followed for the appeals of the 2016 Renewal Projects. It outlines the timeline, which is shorter than preferred due to the overall HUD timeline. Ms. Lewis emphasized the grounds for an appeal, as stated in the 2nd paragraph of the document, sections a. and b. as follows:

An appeal can only be made by an applicant regarding the scoring of its own application. An applicant may file an appeal with the Continuum of Care Committee. The applicant may file an appeal based upon a claim that one or both of these apply:

- a. The reviewers overlooked critical information about the project contained within the application that would have caused the project to meet the feasibility threshold and/or be scored higher. No additional information may be submitted.*
- b. There is evidence of lack of fairness in evaluating and scoring the application.*

Examples include, but are not limited to:

- an individual with a clear conflict of interest in one or more applicant organizations participating in the review and failing to state this conflict of interest in violation of Iowa Council on Homelessness (ICH) and Iowa Balance of State Continuum of Care policy,*

- *a reviewer awards more than a one point differential for identical or nearly identical responses to the same question submitted by different applicants,*
- *a reviewer has factored in information not included in a submitted application or performance evaluation data resulting in a lower score for said application.*

The document also outlines the appeals meeting agenda with corresponding time-frames. It is anticipated there will be a verbal decision by this committee which will then be presented to the Executive Committee which meets later this morning at 10:00.

Appeals were received from two organizations, Family Resources and Community Housing Initiatives, Inc. (CHI) and are posted on IFA's website under the "*2016 New Project Applications*" tab: <http://www.iowafinanceauthority.gov/Home/DocumentSubCategory/107>

IV. Appeal from: Family Resources

Chair Ford reviewed the appeal letter dated August 24, 2016 received in a timely manner from Mary Macumber-Schmidt of Family Resources, noting that the appellant is asking for reconsideration of the scoring of the bonus question and the awarding of partial points for this section.

Amber Lewis provided an update on the preliminary scores and the revised scores as reflected on the *2016 CoC New App Scoring Worksheet--FINAL FROM COC CMTE*, which is posted on IFA's website. Ms. Lewis explained that the columns in pink represented the original scores of the four reviewers, and the green columns the adjusted scores reached after the review committee's meeting, noting that the two reviewers who did reduce their scores had originally allotted partial points for the bonus question that were subsequently reduced to zero based on the committee's discussion.

Mr. Tim Wilson provided the following comments as the CoC Committee representative, starting with his perspective of the appeals process which included the following points: the way appeals are handled has evolved over time; the protocol was set up as of last year; the point of the appeal committee is not to put themselves in the shoes of the reviewer, but rather to determine if something went wrong with the review process or if there was a technical error. Mr. Wilson's discussion of the appeal from Family Resources is as follows:

This appeal claims to be based on both of the two conditions ("a. and b.") stated in the Appeals Process. The request is to add points for Question 21, bonus points if a project proposes providing services in an area not served by CoC or ESG funding. The question on the application reads:

"Does the proposed project service area (Answer 8b.) include no other ESG/COC currently funded projects or proposes a service area in which all existing ESG/COC projects have been defunded - yes/no?"

The conditions to receive points require that the project service area not have any other currently-funded projects except if any such project had recently been defunded and would thus not be in place by the time this project would start. The service area of this project includes Scott

County, which has 9 current programs funded for nearly \$800,000. The reviewers' instructions state: *"Would entire service area of project consist of counties not currently served by any other ESG or CoC-funded project or only by projects for which such funding is expiring? 5 points if "yes," no points if "no"*"

Mr. Wilson requested on behalf of the Continuum of Care Committee that this appeal be dismissed on the grounds that it fails to meet either of the two conditions stated in the Appeals Process.

The Appeal Committee's discussion revolved mainly around the language of the bonus question, and that to receive points the project service area does not have any other currently funded projects, and that it is the entire service area and that the question does not allow for partial points. It was discussed that it would be important in the future for applicants to identify a need to add outlying counties, and that this would start with data, such as school district information, point-in-time count, or Veterans Administration, all of which may have relevant data.

Ashley Schwalm as representative of Family Resources had the following input. The point that if the Executive Committee passes the Review Committee's recommendations later today three agencies in Scott County will be losing partial, if not all CoC funds. And while Muscatine and Louisa are not new for this agency, they are a new service area for CoC funds. They are already providing housing services, just not with CoC funds which would allow for Permanent Supportive Housing services not currently available. Ms. Schwalm believes they could have answered "yes" due to the new service area for CoC funds and pointed out that she believes that the City of Muscatine did get full bonus points for serving that area, and that they (Family Resources) assumed they would be able to get partial points with their answer.

There was discussion among the Appeal Committee members that the issue is that the question indicated there were 5 points for a "yes" answer and 0 points for "no"; either it met the committee's criteria or it did not. There was no recollection by any of the committee members that any other project was awarded partial points for the question, and that it was important to be consistent across the board. Tim Wilson pointed out that there was nothing in the appeals process set up to go back and look at all other applications. Chair Ford said that her input is 5 points for "yes" and 0 points for "no", and Roberta Wahl agreed, emphasizing the importance to ensure consistency across the board.

Chair Karin Ford called for a motion. Roberta Wahl moved that the committee vote on the appeal of Family Resources and to uphold the decision of the CoC committee, which would not change the score. Second by Sandy Johnson; no further discussion and motion passed unanimously. Recommendation to the Executive Committee to deny the Family Resources appeal.

V. Appeal from: Community Housing Initiatives, Inc.

Chair Ford reviewed the appeal letter dated August 25, 2016 received in a timely manner from Marilieg Fisher of Community Housing Initiatives, Inc. (CHI). The appellant is asking for reconsideration of the scoring of questions #9, 10, 11, 19 and the bonus question. The committee agreed that the entire appeal would be reviewed and then voting would consider the entire appeal. Amber Lewis provided a technical clarification that for question #10 in the final score

everyone gave full points, and that the one reviewer who had originally deducted two points gave the full points after the Review Committee's discussion. Based on this information the Appeals Committee will not discuss the appeal of question #10 further.

Tim Wilson as the CoC Committee representative pointed out that the committee went to a lot of work to create this appeals policy. He noted that this appeal listed five grievances, none of which stated the two grounds for appeal allowed for by the policy.

Question 9 – Amber Lewis noted that only one reviewer deducted one point. Karin Ford said it was a pretty good argument because we don't know exact dates. Tim Wilson as the CoC Committee representative provided the following comments: Question 9 asks for awarding one additional point but it is unclear exactly why except that the grant start date makes setting a project timetable challenging. Each of the four reviewers scored this question comparing it to the other applicants' responses. One reviewer finding a qualitative difference of one point is neither unfair nor surprising, nor is the fact that another reviewer gave a presumably similar answer to a similar question a score one point higher. Reviewers scored other applications at less than full points and others at full points based on their interpretation of the quality of the answer. So there was a range of answers.

Question 11 - Tim Wilson as the CoC Committee representative provided the following comments: The challenge to Question #11 is lengthy and among other flaws, draws the favorable comparison that all other applicants answered the same way but fails to point out that six times reviewers also docked one or two points for those responses. That said, this was still a fairly high-scoring question across the board. So, why the problem with scoring if the question was cut and dried and everyone answered it the same way? The question read: "*For all supportive services available to participants, indicate who will provide them, how they will be accessed, and how often they will be provided.*" and was followed by a series of services with drop boxes on how frequent the services would be provided.

Did the reviewers just arbitrarily assign points? Their instructions were: "*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.*" So, why did they on nine occasions award less than 10 points if all the boxes were marked? In a couple of cases, notes indicate that the reviewer believed the frequency of particular services was inadequate. They were smart enough, despite the instructions to the reviewers, to look for the information elsewhere, particularly in the answers to the following question. Reviewers in some cases looked for the rest of the answer to #11 in the information provided in #12. Question 12 asked the applicants to describe how clients were to be assisted and all or nearly all of the other applicants indicated here which services were to be provided by the applicant agency and which would be provided by others and by whom. These responses were not all item-to-item matches to the list but the reviewers were willing to give the applicants the benefit of the doubt if they indicated who some of the partners would be. Given the fact that CHI's application did not list any service partners, a fact that is reinforced in the letter, it is understandable why reviewers might have deducted a point or two out of ten. This falls within a reasonable range of discretion among reviewers.

Amber Lewis reviewed the scores for this question from the 4 reviewers which were: 8, 8, 10 & 9 out of 10 possible points. Tim Wilson noted again that this question scored pretty high across the board.

Question 19 - Tim Wilson as the CoC Committee representative provided the following comments: The agency challenges one reviewer's score on Question #19 because one point was deducted for lack of specificity. The point was taken away for lack of specificity on administrative costs. The question asks, in part, "*include the amount that will be requested for Administration*". It was a budget. The question did not ask for a specific narration, but again reviewers are comparing responses across eight applications.

Here is the response of another project:

"Project Administration: \$16,455 which is 7.5% of Accounts Payable time to cut/mail checks at \$2,320 plus \$696 in benefits, 2.5% of Grant Accountant to prepare billing and make claims at \$1,000 plus \$300 in benefits, 15% of Shelter Supervisor to manage staff at \$7,050 plus \$2,115 in benefits, 1% of Executive Leadership to prepare monthly financials of program, analyze outcomes, promote program to stakeholders at \$2,600 plus \$374 in benefits"

And here is the response submitted by CHI:

"Administration @ 7% \$ 15,318.00"

Reviewers are selected in part for their different backgrounds, experiences and expertise. This panel included two veteran reviewers of such proposals and two who were new to the process but familiar with social services. The two veteran reviewers deducted points from a total of six applications on this question, three time a single point and three times two points. The fact that one of four reviewers chose to take one of ten points away for what they regarded as insufficient detail on part of the budget, especially in comparison to other answers, is not surprising and certainly not unfair.

Tim Wilson as the CoC Committee representative also provided the following comments on the bonus question: CHI also challenged the bonus. CHI currently receives CoC funding and has for years. They did not propose to provide services exclusively in a new area. Mr. Wilson noted that their application submitted in the Renewal process ranked pretty high in Tier I. The project is arguing that this is a different type of service to a different population but that is not what the committee is looking for, which is a totally new area. The Appeals Committee covered most of this discussion earlier today in review of the first appeal (Family Resources).

Chair Ford asked for CHI comments. Marliegh Fisher as the Community Housing Initiatives representative provided the following input. She noted that she did read the appeals process several times and nowhere did she see that they had to state their reasons for the appeal in their opening statements. She did not realize that their application would be critiqued and reviewed against other projects and felt it should be based on its own merit.

For question #9 although there was only one point in question, she emphasized that with stiff competition and funds tight every point matters. Their timeline has to be based on the date signed by her supervisor and the grant from HUD.

Question #10, Housing First, she based her appeal on what was posted on the website, and nowhere does it give the explanation provided today.

Question #11, there was a drop-down menu and they chose their response based on what they currently do. They don't know how many times someone will need these services. It doesn't make sense to her that they are losing points based on their answer to the following question (#12), pointing out that she is not a mind reader and doesn't know what the reviewers are looking for. She thinks they should get the points that were taken away.

Question #19 budget request. Question does not state they have to list description. She gave what the question asked for. She does not believe their score should be based on what another applicant answered. HUD has never asked for a description of the expenses. CHI should be awarded the points for this question.

Bonus question. Ms. Fisher says that although CHI does get CoC funds they must be used for disabled and homeless. They do get ESG dollars but they must be for victims of domestic violence. She points out that 13 beds of disabled homeless to serve a city the size of Waterloo/Cedar Fall (Black Hawk County) is ridiculous. She feels the question is misleading. They currently have a domestic violence provided that does not serve the general population. The question needs to be stated better; this is a new service not currently being provided. Ms. Fisher concluded by pointing out that if homeless clients do not fall within the population specified there is nothing in this county and they will be referred to other places.

Chair Ford asked for any more discussion. Tim Wilson wanted to note that there were 3 sets of applications: new projects (8), voluntary reallocations (3), and one Coordinated Entry. The review team was set up so that the same four reviewers scored all eight applications in this new project section for consistency across the board. So the importance of one applicant's answer was extremely relevant in comparison to other applicant's answers. And for the bonus question, that while he agreed it could have been worded more clearly, whether the question was confusing or not is not really relevant; it was the answer to the question and whether it met the conditions the committee was looking for.

Chair Ford asked for further questions/discussion and there was none.

A motion was made by Roberta Wahl that the Appeals Committee uphold the CoC Review Committee's original decision regarding the CHI application. Seconded by Sandy Johnson. All votes were ayes and the motion passed. Chair Ford announced it was upheld and the decision would go to the Executive Committee.

Mariliegh Fisher asked the question, was there no discussion by the appeal panel; was it based solely on Tim Wilson's comments? Chair Ford responded that it was not based solely on Tim's comments, that they all had the materials earlier for review.

Ms. Fisher commented that the only way to do better in the future was if they knew exactly why they were scored the way they were and what any discussions were. Amber Lewis clarified that the individual Appeal Committee members could review the materials in advance but there was

not previous discussion that was not part of the public record. Ms. Fisher expressed concern that the appeals process is supposed to be a fair process but that there was not apparent discussion when the committee got together, or even after she spoke.

VII. ADJOURN

On a motion by Sandy Johnson and seconded by Karin Ford, the August 26, 2016 meeting of the Continuum of Care Appeals Committee was adjourned at approximately 10:05 a.m.

Appeals Committee Voting Members Present

1. Karin Ford (Chairperson of this CoC Appeals Committee), Iowa Dept. of Public Health
2. Sandy Johnson, Dept. of Education
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. Ashley Schwalm, Family Resources
3. Marilieg Fisher, Community Housing Initiatives, Inc.
4. Amber Lewis, Iowa Finance Authority
5. Carole Vipond, Iowa Finance Authority