



York County

Coalition on Homelessness

YORK CITY/COUNTY CONTINUUM OF CARE – PA 512

Project Funding Evaluation Team (PFET) Appeals Process

UPDATE LOG

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Reviewed and Reapproved: August 24, 2017
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Reviewed and Reapproved: August 15, 2021
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Reviewed and Reapproved: August 8, 2023

COC APPROVAL SIGNATURE



CoC Chair or Vice Chair

Date

I. BACKGROUND

The York City/ County Continuum of Care (CoC), PA-512, operating as the York County Coalition on Homelessness, will ensure a consistent appeals policy and procedure. As the Lead Agency and Collaborative Applicant for the CoC, the York County Planning Commission (YCPC) will take the lead on the appeals process as it relates to the 2023 CoC Program Competition outlined in the Notice of Funding Opportunity (NOFO) released by the U.S. Department of Housing and Urban Development (HUD).

From time to time, applicant organizations may believe their application was not fairly evaluated for the purpose of project selection, scoring, ranking, and tiering. Recognizing the potential for human error to occur in this process, and in compliance with HUD requirements, YCPC (in conjunction with the York County Coalition on Homelessness Governing Board) has developed the following policy and process to provide a mechanism for applicants to appeal recommendations under certain circumstances.

Additionally, YCPC (in conjunction with the York County Coalition on Homelessness) recognizes that project applicants receiving notice of reallocation of their renewal project may believe the reallocation was not fairly determined. Recognizing the potential for human error and unseen factors in this reallocation process, and in compliance with HUD requirements, this appeals process includes policy and process to provide a mechanism for applicants to appeal reallocation recommendations under certain circumstances.

II. BASIS OF APPEAL

An appeal can be made for two reasons:

- Failure to fairly score a project application through the Project Funding Evaluation Team
Or
- Failure to provide rationale/reason for reallocation or amount of reallocation, based on the reasons for reallocation identified in the Reallocation Policy.

An appeal can only be made by an applicant regarding the scoring of its own application or failure to provide rationale/reason for reallocation/amount of reallocation. An applicant may file an appeal with YCPC based upon a claim that one or more of these apply:

Scoring of Project:

- a. The reviewers (meaning the Project Funding Evaluation Team, PFET) overlooked critical information about the project contained within the application and/or submitted renewal summary form and HMIS data that would have caused the project to meet a defined ranking 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. Evidence of lack of fairness will be considered and reviewed on a project by project basis.

Rationale/Reason or Amount of Reallocation:

- a. Project Capacity: project capacity performance did not take into consideration special circumstances around the project or population served.
- b. Financial Management: no ability to appeal reallocation on the basis of this category.
- c. Performance Outcomes: underperforming project can show rationale for lack of performance standards.
- d. Lack of Compliance with Local & Federal Project Review & Certification Standards: no ability to appeal reallocation on the basis of this category.
- e. Local Need: data indicating local priorities have failed to include services provided by this project or project type.
- f. Loss of External Supporting Program Funds: project can show a new source of supporting program funds has been identified and scheduled for receipt by the agency.

If the applicant agency believes the above to be applicable to its situation, it may file an appeal in writing via email to the Collaborative Applicant (yorkcountycogh@ycpc.org) and Coalition Chair or Vice Chair.

III. PROCESS AND TIMELINE

YCPC will establish and publish a timeline outlining project application deadlines. Per HUD requirements, applicant organizations will be informed no less than 15 days prior to the NOFO deadline regarding whether their project application would be included as part of the CoC Consolidated Application submission. Unless otherwise specified in written competition materials, appeals shall be due within three (3) days after announcement by the CoC's PFET of initial project selection, scoring, ranking, and tiering.

An appeal must be in the form of a letter on the applicant agency's letterhead, must clearly state the reasons for the appeal and specify all issues being contested, and must be signed by the Agency's Responsible Party (A CEO, CFO, or equivalent). During the appeal process following a funding decision, the applicant may clarify information contained in the

application and/or ranking criteria. No new information may be provided for consideration.

IV. APPEALS COMMITTEE

The Coalition Governing Board (Chair, Vice Chair, and Secretary) shall appoint no fewer than three and no more than seven non-conflicted stakeholder individuals from the larger Coalition General Membership to an Appeals Committee, which shall review all appeals. The Appeals Committee shall include at least one member of the Governing Board. Staff from the Collaborative Applicant, YCPC, will be designated as the chair of the Appeals Committee and will document the process, but will not make determinations on the appeal. In the event YCPC, on behalf of York County, is the appealing applicant, the Coalition Chair will be moved to the Appeals Chair position. A date to review relevant information and an appeals meeting will be scheduled and posted as soon as is practical after the CoC's PFET funding recommendations are announced.

V. PROCESS TO BE FOLLOWED

Prior to the hearing, a package of related information will be compiled by YCPC and distributed to the Appeals Committee and appellant. This package shall include the original written appeal request, original funding application/ranking criteria as well as all written information that all parties including the appellant believe to be helpful to those hearing the appeal. The written material submitted will be the primary basis for the appeal decision.

VI. REVIEW

The appeals review date and time shall be set by the Chair of the Appeals Committee, making every attempt to find a mutually agreeable time. **Although any staff, board members, clients or other interested parties may assist with compiling information included in the written appeal packet, the appellant shall be limited to one spokesperson to articulate its appeal at the review meeting. Similarly, the York County Coalition on Homelessness (CoC) must designate one participating member of the Appeals Committee to speak on its behalf.**

The process for the appeals meeting will be as follows:

<u>Agenda</u>	<u>Individual Responsible</u>	<u>Timeframe</u>
Overview of the process	Chair	5 minutes
Introduction of participants	All involved	3 minutes
Appeals Committee	Committee designee	<15 minutes
Appeals Requestor	Appeal designee/requestor	<15 minutes
Questions of Appeals Committee	All involved	<20 minutes

The Appeals Committee will then meet immediately to review the facts presented. Though the ensuing discussion is limited to the Appeals Committee members, appellant and Coalition participants may be asked to remain available and may be asked additional questions of clarification during the deliberation process.

The Appeals Committee shall provide both parties with a written explanation of their decision, though it is expected that a decision will be made during the appeals meeting and conveyed verbally at that time. Any scoring changes and subsequent award amount recommendations shall be made by YCPC in conjunction with the Coalition's PFET upon being informed of said changes by the chair of the Appeals Committee. Said changes shall be conveyed by the Appeals Committee chair to the PFET Chair as quickly as is practical to do so. Any changes shall then be forwarded to all Continuum of Care funding applicants. **The decision of the Appeals Committee shall be considered final.**

VII. APPEAL TO HUD

If the concerns of the applicant agency are not satisfied through the above described process, the agency may appeal the Coalition's decision to HUD if the applicant agency believes it was denied the opportunity to participate in the local CoC planning process in a reasonable manner by submitting a Solo Application in e-snaps directly to HUD prior to the NOFO deadline.

To submit an appeal to HUD, follow the instructions as indicated in the HUD CoC NOFO, which is available at: <https://www.hudexchange.info/programs/coc/>.