

## **Albuquerque and Balance of State Continuums of Care**

### **Review, Appeals and Grievance Process for Selection of New or Renewal Projects**

#### **Developed by the Balance of State CoC Board and**

#### **The Albuquerque Strategic Collaborative to End Homelessness**

In Albuquerque, the membership of the Albuquerque Continuum of Care, along with the Albuquerque CoC Board and the Albuquerque CoC Independent Review Committee\*, establish the selection criteria for selecting who can apply to HUD for new and renewal funding in the annual Albuquerque Continuum of Care Application. For the Balance of State CoC, the CoC Board, and Balance of State Impartial Review Committee\* set the criteria for the evaluation of new and renewal projects. NMCEH issues a request for proposals each year, timed to allow for selection of new projects prior to the HUD deadline for submission of the Continuum of Care application. Renewal projects are reviewed based on the HUD outcome measures. The Independent/Impartial Review Committees (Review Committees) review and score all proposals for their respective CoCs based on the established selection criteria, and other relevant factors. The Review Committees are defined in the charters for each CoC.

#### **1. Process for Obtaining and Compiling Data**

The Albuquerque and Balance of State CoC will use the following process for obtaining and compiling the data needed to evaluate program outcomes.

- a. Albuquerque CoC membership will select an Independent Review Committee to review the applications for new and renewal projects, and the Balance of State CoC Board selects members for the Impartial Review Committee for the same purpose.
- b. The staff of NMCEH will use the annual progress reports (APRs) and HMIS data to prepare a summary chart of renewal project performance using the HUD established performance measures and other performance measures identified by the CoC. Except for VAWA exempted programs, all APRs must be based upon and substantiated by HMIS data.
- c. The staff of NMCEH will distribute the performance chart to each agency that is part of the CoC for review.
- d. Agencies that wish to challenge data in the performance chart must show that the data was copied incorrectly from the APR or HMIS or that there was a mistake in the APR or HMIS. If the agency wishes to correct data in the APR or HMIS it must make the corrections to the HMIS data and if there is a change to the APR it must submit a corrected APR to HUD. Once the corrections have been made in HMIS and in the APR, the staff of NMCEH will update the chart.
- e. The staff of NMCEH will distribute the final performance chart to all of the CoC agencies in advance of the review committee meetings.

- f. The review committees will meet and decide on a ranking of projects and an amount for each project to be included in the application.
- g. After the review committee meetings, the staff of NMCEH will distribute the ranking and award amounts to all of the CoC agencies.
- h. If a CoC agency disagrees with the decision of the IRC, it may file an appeal using the process below.

## **2. Defining Grievances and Appeals**

There are separate processes for grievances and appeals. The appeals process is designed to resolve the ranking and funding decisions for the annual Continuum of Care application. An appeal should be filed if an agency wants the Continuum of Care committees to change a funding or ranking decision and the appeal must be based on facts or data that the Review Committee did not know about or did not take into account when it made the original decision. A grievance should be filed when an agency feels that there is something unfair within the process. Grievances would include complaints that a staff member or committee member was not impartial or a complaint that the process as was carried out was unfair in some way. An agency could submit both an appeal and a grievance arising from the same issue. An appeal is a quick process about changing the CoC application, but a grievance would likely be a longer process if the review system needs adjusting.

## **3. Appeals Process**

Any new or renewal applicant who wishes to file an appeal because their project was not selected to be part of the application or because they do not agree with the amount of funding designated for their project can use this appeals process. If the nature of the complaint is a grievance about the process itself or a person involved in the process, the applicant should file a grievance as outlined in the Grievance Process section.

- a. The applicant must email or fax a letter to the Executive Director of the New Mexico Coalition to End Homelessness stating the reason for the appeal within 5 business days of receiving the Review Committee's decision. The appeal must address only factual reasons that the applicant believes the Review Committee made a wrong decision, and the outcome that the applicant is seeking.
- b. Upon learning that an appeal has been made, the co-chairs of NMCEH will nominate members for a Special Appeals Committee to come up with a final decision on the subject of the appeal. Members of the Special Appeals Committee must be impartial with regard to the issue being decided, meaning that members of the Special Appeals Committee may not be in a position where they or their agency could gain or lose funding based on the decision. Members of the Review Committees may not be on the Special Appeals Committee. The nominees for the Special Appeals Committee will be asked to attend the meeting of NMCEH where the appeal will be discussed.
- c. The applicant will present its appeal at the next scheduled NMCEH membership meeting; the applicant's presentation must focus on the factual reasons that the applicant believes the Review Committee made a wrong decision, and the outcome that the applicant is seeking. If the next membership meeting will not take place soon enough, the NMCEH will convene a special

membership meeting. Members of NMCEH are expected to make a special effort to send a representative to the meeting, since the fairness of the process requires a good turnout.

- d. At the membership meeting, the Co-Chairs of NMCEH will nominate the members of the Special Appeals Committee, and the membership will vote to appoint the members for the Special Appeals Committee.
- e. The NMCEH membership, after hearing the applicant's concerns, will offer input and feedback about the appeal to Special Appeals Committee. The appropriate Review Committee will either have a representative present, or will provide a letter, to explain their decision and the reasoning behind it.
- f. The Special Appeals Committee will meet after the membership meeting and attempt to reach a decision using consensus. The Special Appeals Committee will consider all practical alternatives including the original Review Committee decision and choose the best alternative based on the facts available. If the group is not able to reach a consensus a vote will be taken and the majority will win (50% plus 1).
- g. The decision of the Special Appeals Committee will be considered final. In other words the Special Appeals Committee would decide the final ranking and amounts for each CoC project.
- h. NMCEH staff and board will set a timeline for an appeals procedure that allows time to meet the CoC application deadline.

#### **4. Grievance Process**

If an organization involved in the CoC process has a grievance about the process or about an individual involved in the process, the organization needs to file a grievance with the Board of Directors of the NM Coalition to End Homelessness. It is possible that an agency could file both an appeal and a grievance around the same issue and the appeal and the grievance should be filed simultaneously, if they relate to the same issue. A grievance that is not affected by the CoC funding application can be filed by any CoC agency at any time. Here is the process for filing a grievance.

- a. The organization or individual wishing to file a grievance must submit the grievance in writing to the Co-Chairs of the Board of Directors of the New Mexico Coalition to End Homelessness. The written grievance must state the nature of the grievance, the reason for the grievance and may include the remedy that is being sought. If the grievance is related to a Review Committee decision about ranking or funding the grievance must be submitted within 5 working days of receiving the Review Committee decision.
- b. The Co-Chairs will appoint a Grievance Committee that shall include at least one board member. All members of the Grievance Committee shall be impartial with regard to the nature of the grievance. No members of the Review Committees may serve on the Grievance Committee.
- c. The Grievance Committee will meet in a timely manner in order to resolve the grievance, generally within three weeks of the grievance being filed in writing, although the nature of the grievance may

dictate the timing. If the grievance involves CoC funding the Grievance Committee will meet in time to have its findings made available to the committees involved in that process before the final funding decisions are made. The findings of the Grievance Committee will be sent to the appropriate committees or boards for action. Findings of the Grievance Committee can be used as factual evidence during the CoC appeals process.

- d. The Grievance Committee will send a written record of its recommendations immediately (within 24 hours) to the appropriate entities. The Board of NMCEH, and other committees or boards as appropriate will act on the recommendations of the Grievance Committee at their next meetings or at a special meeting.
- e. Grievances are not brought to the membership or to an appeals committee. The Grievance Committee can recommend that a process needs to be changed, a committee member removed or a staff member disciplined. The Grievance Committee will not change a Review Committee's decisions regarding funding or ranking of CoC projects. If an agency wants the decision concerning its funding or ranking to be changed, the agency must also file an appeal.

Approved June 6, 2014 by the Balance of State CoC Board,

Approved June 12, 2014 by the Albuquerque Strategic Collaborative to End Homelessness

Approved July 11, 2014 by Membership of NMCEH

Approved March 16, 2018 by Membership of NMCEH

Approved July 19, 2019 by Membership of NMCEH