

Louisiana Balance of State Continuum of Care

Monitoring Policy

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# Introduction

## Background and Purpose

The Louisiana Balance of State Continuum of Care (LA BOSCOC) has developed this Monitoring Policy ("Policy") to govern how it monitors Continuum of Care (CoC) Program recipients and subrecipients, evaluates those recipients and subrecipients, and takes action against poor performers.[[1]](#footnote-1)

This Policy transfers the responsibility for fulfilling the requirements in 24 CFR 578.7(a)(6) from the HMIS Committee (which receives them from the LA BOSCOC Governance Charter) to the Collaborative Applicant.

## Applicability

This Policy applies to all CoC Program recipients and subrecipients operating in the LA BOSCOC's current geography.

### Subrecipients

For subrecipients, this Policy transfers the responsibility for fulfilling the requirements in 24 CFR 578.7(a)(6) from the Collaborative Applicant to each subrecipient's project recipient.

As part of its monitoring process, the Collaborative Applicant shall assess each project recipient's compliance with 24 CFR 578.7(a)(6) in relation to their subrecipient(s), if applicable.

# Scheduling

## Establishing an Annual Monitoring Schedule

In advance of beginning a given calendar year's monitoring process, the Collaborative Applicant shall publish an annual monitoring schedule ("Schedule") establishing the dates on which it intends to monitor each CoC Program recipient.

### Notice to Recipients

The Collaborative Applicant shall publish the Schedule for public comment to all CoC Program recipients at least five (5) business days in advance of finalizing the Schedule. The Collaborative Applicant shall make reasonable accommodations for any recipient who requests any changes during this time.

### Finalizing the Schedule

Once the public comment period in Section II(A)(i) of this Policy expires, the Collaborative Applicant shall finalize the Schedule by publishing it with all reasonable accommodations included to all CoC Program recipients.

## Monitoring Letters

At least 30 days in advance of a given CoC Program recipient's monitoring date, the Collaborative Applicant shall send them a final notice of their monitoring date (a "Monitoring Letter") that shall include, at minimum, the following elements:

* The monitoring date
* The projected duration of the monitoring
* The monitoring location or locations
* The project(s) being monitored
* The CoC staff, including any HMIS Lead staff, who are projected to perform the monitoring
* The recipient staff who are required to be available during the monitoring
* Activities that must be completed by the recipient or responses needed from the recipient in advance of the monitoring, if any
* Information regarding the projected substance of the monitoring (e.g. unit inspections, participant file reviews, expense eligibility reviews, staff interviews, participant interviews, etc.), including, if applicable, the monitoring tool(s) to be used

### Extension Requests

Recipients may request a change of monitoring date (usually an extension, and therefore hereafter referred to as an "extension request") after receiving the Monitoring Letter.

To make an extension request, the recipient must submit the request on agency letterhead signed by someone with agency signature authority.

The request must include, at minimum:

* An explanation of why the extension is necessary
* An explanation of why the extension was not requested during the public comment period listed in Section II(A)(i) of this Policy
* Either a set of new proposed dates or a proposed length of extension ("two weeks," "until May").

The request must be submitted to the Collaborative Applicant either by email (by preference) or by postal mail to the following address:

Continuum of Care Manager

Louisiana Housing Corporation

1690 N. Boulevard 2nd Floor

Baton Rouge, LA 70808

The Collaborative Applicant must receive the request at least fifteen (15) business days in advance of the monitoring date. (The Collaborative Applicant may make exceptions to this requirement at its discretion in the event of genuine emergencies.)

The Collaborative Applicant shall grant any extension request that meets all of the above criteria and that would not postpone the monitoring date in the Monitoring Letter by more than ten (10) business days. The Collaborative Applicant shall refer all other extension requests to the LA BOSCOC Board.

The Board shall grant any extension request that meets all of the following criteria:

* The extension request was delivered to the Collaborative Applicant within the timeframe above
* The Board determines that the extension request is:
  + Necessary to ensure the recipient's continued good functioning;
  + Necessary to enable the recipient to fully engage with the monitoring process; or,
  + A necessary response to a disabling emergency on the part of the recipient's key staff (i.e. a death in the family)
* The Board determines that the recipient was not able to make this request during the public comment period established in Section II(A)(i) of this Policy
* The Board determines that the request's proposed dates or length of extension is reasonable under the circumstances

The Board shall deny any extension request that the Board determines:

* Does not meet all of the above criteria; or,
* Is significantly motivated by the recipient's lack of preparation, documentation readiness or quality, or other deficits that could result in the recipient

The Board's decision on any extension request is final and cannot be appealed.

# Monitoring

## Format

The annual monitoring process for each recipient shall consist primarily of a site visit by CoC staff and, when appropriate, HMIS Lead staff.

At its discretion, the Collaborative Applicant may instead conduct one or more recipients' monitoring process remotely (a "desk monitoring"). For any given recipient, the monitoring process cannot consist of a desk monitoring more than once every other year.

### Site Visits

The Collaborative Applicant shall include, at minimum, the following elements in all site visits:

* An entry conference at the beginning of the visit with recipient staff; the purpose of this conference is to conduct introductions, reiterate the purpose of the site visit, outline the activities of the site visit, and establish a schedule for the day
* A full application of the LA BOSCOC Monitoring Tool to each project being monitored
* A full review of at least two participant files from each project being monitored; CoC staff shall determine how participant files are selected; CoC staff may, at their discretion, review any number of additional participant files
* A review of CoC Program expenses and match expenses for each project being monitored; CoC staff shall use the process defined by the LA BOSCOC Monitoring Tool to conduct these reviews; CoC staff may, at their discretion, expand the review's scope to include any fiscal element or activity relevant to any project being monitored
* An interview with at least one participant from each project being monitored; CoC staff shall determine who participants are selected; CoC staff shall determine where and how the interviews are conducted (e.g. site, in person or by phone, with or without project staff present); CoC staff may, at their discretion, interview any number of additional participants
* A review of the HMIS data, including the most recent Annual Performance Report (APR), for each project being monitored
* For housing projects: an inspection of at least one unit subsidized by at least one of the projects being monitored; this inspection is not an official Housing Quality Standards (HQS) inspection, though it shall take HQS standards as its basis; CoC staff shall determine how the unit is selected; CoC staff and the recipient shall collaboratively determine when the inspection is conducted, including, if necessary, how to conduct the inspection after the site visit; CoC staff may, at their discretion, inspect any number of additional units
* At the CoC staff's discretion, interviews with recipient staff; CoC staff shall determine which staff they intend to interview; CoC staff and the recipient shall collaboratively determine where and how the interviews are conducted, including, if necessary, how to conduct the interviews after the site visit
* An opportunity for the recipient to request technical assistance, ask questions, and otherwise utilize CoC staff to support and improve the functioning of their project(s)
* An exit conference at the end of the visit with recipient staff; the purpose of this conference is to outline the site visit's outcomes, establish a timeline for the CoC's monitoring response, and determine whether a subsequent site visit is necessary

A site visit cannot begin earlier than 8 AM except by written agreement of the Collaborative Applicant and the recipient.

A site visit cannot end later than 5 PM except by written agreement of the Collaborative Applicant and the recipient.

At its discretion, the Collaborative Applicant may schedule a subsequent site visit. The Collaborative Applicant shall make every effort to schedule the subsequent site visit as soon as possible and no more than 30 days from the date of the original site visit while accommodating both the schedules of both CoC staff and recipient staff.

### Desk Monitoring

The Collaborative Applicant shall include, at minimum, the following elements in all desk monitorings:

* A full application of the LA BOSCOC Monitoring Tool to each project being monitored
* A full review of at least two participant files from each project being monitored; CoC staff shall determine how participant files are selected; CoC staff may, at their discretion, review any number of additional participant files
* A review of CoC Program expenses and match expenses for each project being monitored; CoC staff shall use the process defined by the LA BOSCOC Monitoring Tool to conduct these reviews; CoC staff may, at their discretion, expand the review's scope to include any fiscal element or activity relevant to any project being monitored
* A review of the HMIS data, including the most recent Annual Performance Report (APR), for each project being monitored
* At the CoC staff's discretion, interviews with recipient staff; CoC staff shall determine which staff they intend to interview; CoC staff and the recipient shall collaboratively determine where and how the interviews are conducted, including, if necessary, how to conduct the interviews after the site visit
* An opportunity for the recipient to request technical assistance, ask questions, and otherwise utilize CoC staff to support and improve the functioning of their project(s)

The Collaborative Applicant and the recipient shall jointly determine how the recipient shall provide documentation required or requested for the monitoring (e.g. by email, by postal mail). The Collaborative Applicant shall provide at least ten (10) business days' notice for all required or requested documents.

### Personal Protected Information

Recipients may, at their discretion, redact any personal protected information (PPI) on any documents provided to the Collaborative Applicant for on-site viewing only.

Recipients must redact all PPI on any documents provided to the Collaborative Applicant to keep, including but not limited to by email and postal mail. The Collaborative Applicant shall cite any failure to redact PPI according to this paragraph as a Finding that cannot be remedied.

## Initial Response

The Collaborative Applicant shall, within 30 days of a given recipient's final site visit or desk monitoring, determine whether the recipient received one or more Findings during their monitoring, and if so, provide to the recipient an initial response to their monitoring.

The initial response shall be provided in writing to the recipient on LA BOSCOC letterhead signed by the Continuum of Care Manager or other Collaborative Applicant staff with signature authority.

The content and timeline of the initial response is not subject to prior Board or committee review.

The initial response's content shall include only the following:

* At the Collaborative Applicant's discretion: prefatory and/or closing remarks that impose no requirements on the recipient
* An explanation of Concerns and Findings
* A list of Concerns identified during the monitoring process, if any; for each Concern, the Collaborative Applicant shall provide a recommended response and response timeframe
* A list of Findings identified during the monitoring process, if any; for each Finding, the Collaborative Applicant shall provide a citation of authority (usually a federal statute, CoC policy, or project application), a required response, and a response timeframe
  + Response timeframes shall be 30 days unless, at the Collaborative Applicant's discretion, the Finding is either urgent (in which case the Collaborative Applicant may impose any timeframe less than 30 days) or both non-urgent and particularly complex or time-consuming (in which case the Collaborative Applicant may impose any timeframe through the conclusion of the contract grant period being monitored)
* Any other items of note that do not impose a requirement on the recipient but do provide constructive criticism intended to assist the recipient in improving their project(s)

### Initial Response Appeals

Recipients may appeal any of their Concerns or Findings to the Board.

To make an appeal, the recipient must submit the request on agency letterhead signed by someone with agency signature authority.

The appeal must include, at minimum:

* An explanation of why the Concern(s) or Finding(s) are invalid
* Documentation as needed to establish the above

The appeal must be submitted to the Collaborative Applicant either by email (by preference) or by postal mail to the following address:

Continuum of Care Manager

Louisiana Housing Corporation

1690 N. Boulevard 2nd Floor

Baton Rouge, LA 70808

The Collaborative Applicant must receive the appeal no more than five (5) business days after the date on the initial response. (The Collaborative Applicant may make exceptions to this requirement at its discretion in the event of genuine emergencies.)

The Collaborative Applicant shall refer all appeals to the Board.

The Board shall grant any appeal and overturn any Concern(s) or Finding(s) that it determines are invalid.

The Board shall deny any appeal that the Board determines:

* Did not sufficiently explain why the Concern(s) or Finding(s) in question are invalid
* Did not provide documentation as needed to establish their invalidity

The Board's decision on any appeal is final and cannot be appealed.

### Late Responses

The Collaborative Applicant may, at its discretion, impose additional requirements and/or sanctions, up to and including withholding letters of support or imposing penalties during an upcoming CoC Program local competition, on any recipient that fails to respond to a Finding within the prescribed timeframe.

Any additional requirements and/or sanctions shall be provided to the recipient in writing on LA BOSCOC letterhead signed by the Continuum of Care Manager or other Collaborative Applicant staff with signature authority.

A recipient who is penalized and/or sanctioned under this Section of the Policy may appeal those penalties/sanctions. Appeals must be submitted according to the process established in Section III(B)(i) of this Policy.

### Subsequent Responses

Upon receiving a recipient's response to an initial response, the Collaborative Applicant shall, within 30 days of receiving the recipient's response, determine which Finding(s), if any, have been resolved.

The Collaborative Applicant shall then, within that 30 day timeframe, issue either:

* Another response according to Section III(B) of this Policy (if one or more Findings that can be remedied are still outstanding); or,
* A final response according to Section III(C) of this Policy (if no Findings that can be remedied are still outstanding)

## Final Response

The Collaborative Applicant shall issue a final response (or "closeout") to any monitoring that meets either of the following criteria:

* The Collaborative Applicant determines that there are no more Findings that can be remedied associated with the monitoring; or,
* The contract grant period of the project(s) being monitored have concluded

The final response shall be provided in writing to the recipient on LA BOSCOC letterhead signed by the Continuum of Care Manager or other Collaborative Applicant staff with signature authority.

The content and timeline of the final response is not subject to prior Board or committee review.

The final response's content shall include only the following:

* At the Collaborative Applicant's discretion: prefatory and/or closing remarks that impose no requirements on the recipient
* An explanation of Findings
* A list of unremedied or irremediable Findings identified during the monitoring process, if any; for each Finding, the Collaborative Applicant shall provide a citation of authority (usually a federal statute, CoC policy, or project application) and, if applicable, recommended corrective action going forward
* Any other items of note that do not impose a requirement on the recipient but do provide constructive criticism intended to assist the recipient in improving their project(s)

### Final Response Appeals

Recipients may appeal any of their Findings to the Board except those Findings that have already been appealed under Section III(B)(i) of this Policy.

Recipients must submit appeals according to the process established in Section III(B)(i) of this Policy.

# Appendix A: Changelog

This change log provides a comprehensive overview of the significant changes made to this Policy in any given version; however, it is not intended to be all-inclusive.

## Version 1.0

### Overview

* Monitoring Policy created
* Contents of the Monitoring Policy codify existing practices; the Policy contains no significant departures from existing practices

# Approval

## Approval Process Timeline

* TBD -- approved by the Board
* TBD -- approved by Membership and Rules Committee
* February 3, 2020 -- released for public comment to current CoC Program recipients

## Signature

For this document to take effect, it must bear the signature of either the Board Chair or the Board Vice Chair.

This document is effective as of the date on its first page, not as of the date of this page’s authorizing signature. This document’s effective date cannot be earlier than the date of this page’s authorizing signature.

By signing below, the signatory certifies that this document has been reviewed and approved for release according to the procedures of both the LA BOSCOC’s Membership and Rules Committee and the LA BOSCOC Board. If the signatory is the Board Vice Chair, the signatory also certifies that they have the authority to sign this document as granted by most recently approved version of the LA BOSCOC Governance Charter.

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| Winona Connor, Chair  LA BOSCOC Board |  | Date |

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1. 24 CFR 578.7(a)(6) [↑](#footnote-ref-1)