

Joint Governance Charter of Maine CoC and Portland CoC

Article 1: Purpose:

The purpose of Joint CoC Governance Charter is to outline the roles, responsibilities, relationship, and authorities of the Maine Continuums of Care, the Maine HMIS Lead Agency, the HMIS Program, all participating Covered Homeless Organizations (CHOs) and other participants to ensure the operation of and consistent participation in the HMIS for the purpose of making planning and funding decisions through use of targeted, quality data on the characteristics and service utilization of persons accessing Maine's homeless service system.

Article 2: Definitions:

Continuum of Care: The local planning entity for homeless programming and service delivery. Maine has two CoCs. The City of Portland CoC, which covers the city of Portland, and the Maine Continuum of care which cover the remainder of the state. Where "the CoCs" or "CoC" is used in this document it is in reference to one or both Continuum of Care.

HMIS Lead: The organization designated by the Continuums of Care to manage and administer the state wide HMIS software implementation. The HMIS Lead Agency, acknowledged and authorized jointly by the CoCs is Maine State Housing Authority. The HMIS is managed by the designated HMIS Lead Agency. The Maine HMIS covers both the City of Portland CoC and the Maine Continuum of Care.

Covered Homeless Organization (CHO): Any organization that records, uses, or processes protected personal information (PPI) in HMIS.

Article 3: Organization

- A.** The City of Portland CoC and the Maine CoC agree to jointly establish a statewide Homeless Management Information System (HMIS) by designating a single HMIS Lead Agency, hereinafter referred to as "the HMIS Lead", and designating a single information system complying with the applicable HUD requirements to be the HMIS software system;
- B.** The City of Portland CoC and the Maine CoC will enter into an executed agreement that outlines the roles and responsibilities of each CoC, including but not limited to, oversight of HMIS, funding of HMIS, considerations for separation of agreement, and CHO participation;
- C.** The Continuums of Care, appointed HMIS Lead, and CHOs shall be subject to all HUD requirements and shall be governed by the following governance, upon signature of Continuum designees and the HMIS Lead designee;
- D.** The Continuums of Care will jointly manage the HMIS through the HMIS Advisory Committee (HAC). The HMIS Advisory Committee will be made up of an equal number of designated committee members from both CoCs and a representative from the HMIS Lead. The HMIS Advisory Committee will establish committee rules regarding meeting frequency, tenure of members, and decision making processes. To facilitate the requirement of consistent data quality, privacy, security, business continuity, and governance, the HAC is responsible for developing and presenting HMIS related recommendations to both CoC's for CoC approval.

Joint Governance Charter of Maine CoC and Portland CoC

- E.** All CHOs and other participants of Maine’s HMIS shall be governed by the Governance Charter and must meet minimum standards as ratified by the CoCs and included in HMIS policies and procedures.

Each CoC agrees in this charter to comply with all procedures and policies required to comply with HUD rules regarding CoC governance including, HMIS requirements as prescribed by HUD and a code of conduct and recusal process for their respective boards, chairs, and anyone acting on behalf of their respective boards. The code of conduct and recusal process is as follows: if at any time there is a conflict of interest whereby an organization or individual will have a direct interest in the funding, scoring, ranking, or policy decision making, then that organization, representative of the organization or individual will recuse themselves for the process in order to mitigate any perceived conflict of interest. The recusal may be oral or in writing. In addition, the CoC may request an organization, representative of organization or individual to recuse themselves from any activities. The CoC may also elect to develop a subcommittee consisting of members or individuals with no direct interest to make recommendations regarding funding, scoring, ranking or policy decision.

- F.** The CoCs and the HMIS Lead agree to comply with HUD regulations and HUD guidance. If there is a conflict or a question of interpretation, HUD regulations and HUD guidance will control this HMIS charter.

Article 4: Relationship between Parties

The relationship between the various parties involved in the Maine HMIS is complex and multi-faceted. The relationship established by this governance document defines the authoritative relationships between entities, not the day-to-day operational or technical assistance relationships that occur as a matter of utilization of the software (such as customer feedback, helpdesk, training and reporting interactions between the HMIS Lead and CHOs). The two CoCs will interact on HMIS related activities through the use of the HMIS Advisory Committee, who will act as the entity authorized to coordinate HMIS activities for both CoCs and the HMIS Lead.

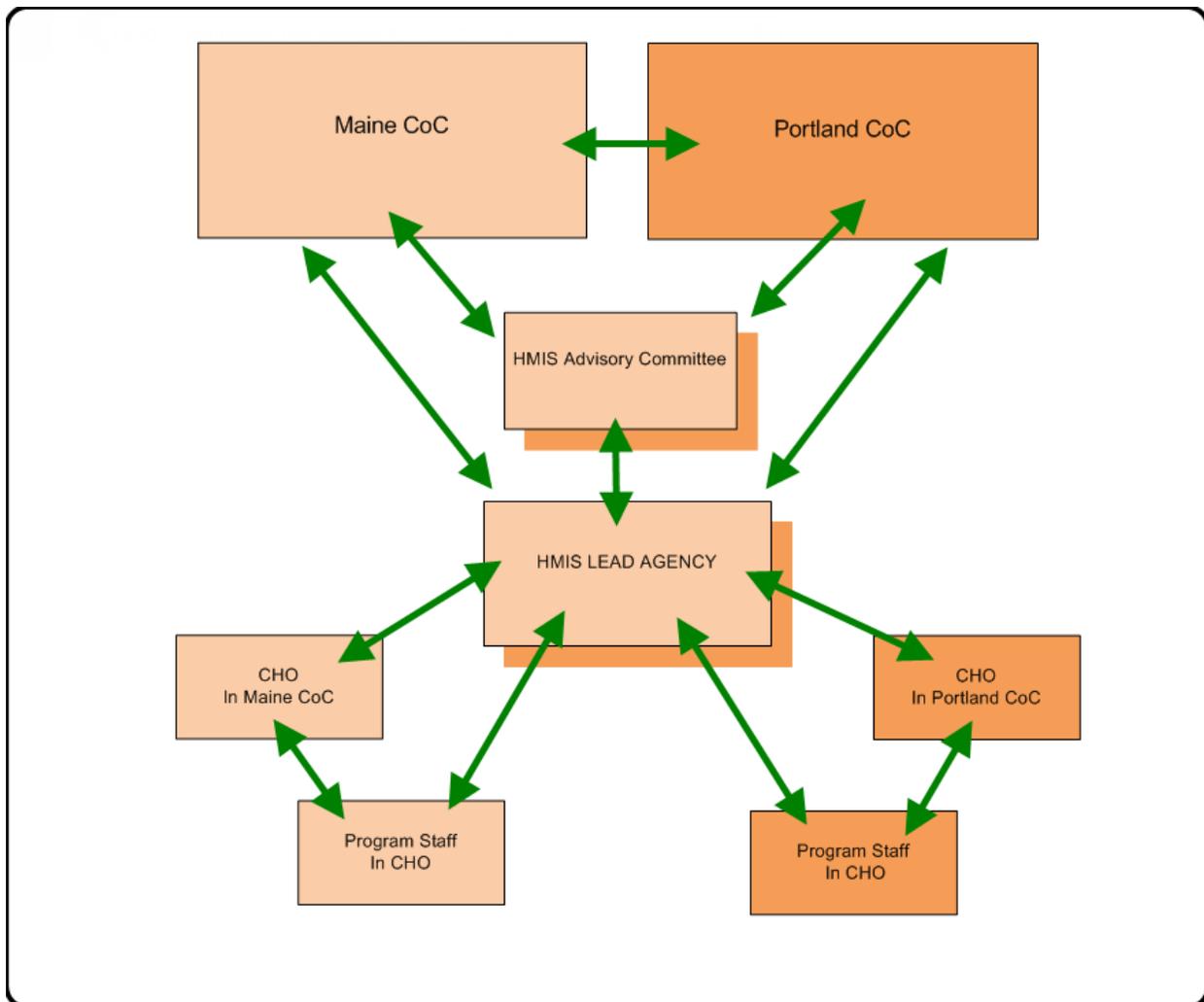
Continuums of Care: The two Maine Continuums of Care will jointly establish and operate a single, statewide HMIS and will designate a single HMIS Lead Agency to facilitate its operation. The Continuums of Care will designate members to participate in the HMIS Advisory Committee and will ensure that CHOs within their jurisdictions are compliant with HMIS rules and standards. The Continuums of Care will facilitate financial support sufficient to operate the HMIS and will establish HMIS Lead Agency authority as outlined in any HMIS related regulations, notices, or guidance provided by HUD and/or other federal funding streams requiring HMIS utilization, as appropriate. The Continuums will address and approve HMIS related items in a timely manner and as recommended by the HMIS Advisory Committee. The Continuums will conduct HMIS Lead monitoring through a common monitoring tool.

HMIS Advisory Committee: The HMIS Advisory Committee will act as the conduit for the Continuums of Care to jointly operate and manage the HMIS. It will work directly with the HMIS Lead to establish required functionality, standards, plans, policies, and procedures and will ensure timely approval of HMIS related needs by the two Continuums of Care. The HAC will assess and develop resolutions to HMIS related activities and requirements for recommendation to the CoCs for approval, assist and make recommendations to the Continuums of Care for appropriate HMIS project performance measures, and generally ensure that the HMIS

Joint Governance Charter of Maine CoC and Portland CoC

is in compliance with all applicable regulations, including the annual review of all required plans, standards, policies and procedures.

Covered Homeless Organizations (CHOs): The CHOs will participate in and comply with HMIS related standards, plans, policies, procedures, and activities as authorized by the CoCs through the HMIS Advisory Committee and as implemented by the HMIS Lead Agency. CHOs will present feedback and concerns to the HAC for assessment and resolution.



Joint Governance Charter of Maine CoC and Portland CoC

Article 5: Responsibilities:

A. Continuums of Care:

1. Jointly designate a single HMIS application for the collective geographic region covered by the CoCs;
2. Jointly designate a single, eligible applicant to manage the Continuums' HMIS, which will be known as the HMIS Lead; enter into a formal agreement that itemizes the CoC and HMIS Lead roles, consistent with HUD policy and this HMIS Governance Charter.
3. Establish a funding structure across multiple funding opportunities to ensure adequate funding to ensure the ongoing and uninterrupted operation and management of the HMIS, which may include grants, match development, and a fee structure for individual agencies and services.
4. Establish the maximum annual per license cost for participation in HMIS that the HMIS Lead Agency can charge is \$1500. This cost may be waived or reduced at the discretion of the HMIS Lead Agency.
5. Commit to supporting, and ensuring management of HMIS in a manner that meets HUD's standards for data quality, privacy, and security.
6. Review, revise, and approve a privacy plan, security plan, and data quality plan for the HMIS.
7. Ensure consistent participation of recipients and sub-recipients in the HMIS.
8. Ensure that the HMIS is administered in compliance with the requirements prescribed by HUD.
9. Ensure that the HMIS executes written agreements with each CHO and/or participating organization requiring HMIS compliance.
10. Require CHOs to be in compliance with HMIS data quality, privacy and security. Develop, implement, monitor, and enforce sanctions for CHO failure to comply with HMIS.
11. Review, revise, and approve all HMIS related policies and plans. Ensure HMIS policies are implemented appropriately and consistently.
12. Develop, conduct, and document an annual compliance monitoring of the HMIS Lead on HMIS related policies and procedures.

Planning and Software Selection

13. **HMIS Planning and Strategic Activities** Ensures that activities related to HMIS growth and uses are developed, reviewed regularly, and in accordance with the CoC's goals through approval of planning of activities, auditing and monitoring, and oversight
14. **HMIS Program Milestones Development** Identifies general milestones for project management, including training, expanded system functionality, etc via approval and request role.
15. **APR Reporting** Ensures the HMIS is consistently able to produce a reliable APR through monitoring and enforcement; oversight; reminders/notifications of APR schedule and verification of submission; monitoring / priority committee review before submission.
16. **HMIS Reports** Ensures the HMIS generates other client served, utilization summary, and demographic reports both at the system and program levels for purposes of

Joint Governance Charter of Maine CoC and Portland CoC

understanding the nature and extent of homelessness in the CoC through guidance on type of reports; regular review of CoC requested reports.

HMIS Management and Operations - Governance and Management.

17. **HMIS Governance Structure** Ensures HMIS governance is developed and formally documented between the HMIS Lead Agency/grantee and the CoC. Ensures that a formal agreement that outlines management processes, responsibilities, decision-making structures, and oversight of the HMIS project has been executed (as evidence by a Memorandum of Understanding, Letter of Agreement, or similar such documentation). Regularly monitors and enforces the HMIS compliance to the agreement; ensures annual review of governance.
18. **Separation of Services:** The CoCs will develop and keep current a business contingency plan that addresses separation or termination of services by either CoC or the HMIS Lead Agency, including a succession and transition process. The Separation of Services Contingency Plan will include operational and financial considerations for separation and/or transition, including in the event of a change in HMIS software.
19. **HMIS Technical Oversight:** Provides technical expertise commensurate with the general HMIS program oversight; provides timely support on high level matters; reviews and authorizes HMIS Software changes in response to the changing requirements of participating agencies; and, generally reviews and authorizes special issues brought to it by participating agencies.
20. **HMIS User Feedback** Manage and maintain mechanisms for soliciting, collecting, and analyzing feedback from end users, program managers, agency executive directors, and homeless persons. Feedback includes impressions of operational milestones and progress, system functionality, and general HMIS operations. Examples of feedback include satisfaction surveys, questionnaires, and focus groups. Based on feedback and recommendations from the HAC, the CoCs will approve any resultant changes to HMIS Strategic Plan.

HMIS Management and Operations - Compliance Monitoring

21. **Agency and Program HMIS Participation** Ensures that HMIS program participation meets the minimum requirements to participate in HUD and other federal required reports and to accommodate adequate data for analysis for local community planning and program development.
 - Develops community relationships, buy in, and participation of non-HUD funded programs;
 - Ensures HUD funded (non DV) are actively participating in HMIS and meeting HMIS requirements by establishing an HMIS performance based component to application scoring
 - Ensures that programs officially designated as Domestic Violence programs are not entering data directly into HMIS and that the programs are utilizing a HMIS comparable database and are compliance with all HMIS regulations, notices, and guidance.

Joint Governance Charter of Maine CoC and Portland CoC

- Ensures that programs providing legal services do not enter data into HMIS that would jeopardize the attorney-client privilege.
22. **Client Consent** Approve/establish privacy, release of information, and consent protocols. Ensure the completion and documentation of client consent, as appropriate with the CoC's Client Consent Policies and Protocols established in the HMIS Privacy Plan.
 23. **Data and System Security** Approves, establishes and ensures adherence by agency staff with the HMIS data and system security protocols as outlined by the CoC and the HUD HMIS Data and Technical Standards and as established by the HMIS Security Plan.
 24. **Data Quality Standards:** Ensures development and enforcement of a community level Data Quality Standard and Compliance Plan.

HMIS Policy Development and Oversight

25. **Client Confidentiality and Privacy Training** Designates mandatory vs. non-mandatory trainings; establish enforcement protocols.
26. **Policies and Procedures** Ensures the existence of and compliance to HMIS Policies and Procedures.
27. **Agency Participation Agreement** Ensures the HMIS Lead Agency maintains written agreements with participating agencies that describes the protocols and expectations for participation in the HMIS.

B. HMIS Lead:

1. Ensure the reliability, integrity, and availability of the Homeless Management Information System (HMIS).
2. Develop written policies and procedures for HMIS utilization, including standards and plans for data quality, privacy, security, and business continuity.
3. Execute and maintain HMIS participation agreements with each CHO which require the CHO to comply with all applicable rules and requirements and outlines that sanctions may be imposed for failure to comply.
4. Work with the CoCs to impose sanctions, where necessary, for CHOs that fail to comply with applicable rules.
5. Execute and maintain HMIS End User Agreements with each person accessing the HMIS.
6. Serve as the applicant to HUD for all HMIS grants covering the joint CoC geographic area
7. Monitors HMIS program milestones, notes variances, and reports variances to CoC membership via monitoring, enforcement, and oversight policies and procedures.
8. Provides regular training on client confidentiality and privacy requirements to intake staff, data entry staff and reporting staff at participating agencies. Ensures all agencies have sufficient privacy policies and protocols in place.
9. Monitor, and report to the CoC, compliance by all CHOs who are members of the CoC. Work with agencies to achieve compliance. Provide recommendations toward ensuring or re-establishing compliance by all CHOs to the CoC Steering Committee for approval, if further action is necessary (CHO remains non-compliant)

Joint Governance Charter of Maine CoC and Portland CoC

10. Develop project milestones, including management, CoC-approved training, and expanding system functionalities. Work with CoC on creating milestones. Report regularly to CoC on progress.
11. Provide a consistent HMIS staff representative to participate in regular meetings of the CoC to facilitate HMIS reporting.
12. Develop and make available to the CoCs, a Business Plan to include staffing structures and finances/budget.
13. HMIS Issue Tracking (Community Level) Regular review of HMIS service request activities and develop a tracking system to provide authoritative support when necessary to expedite issue resolution and tracking abilities.

Software Compliance

14. Universal Data Elements – Ensures that the HMIS is able to manage the collection of each data variable and corresponding response categories for the Universal Data Elements as outlined in the HMIS Data and Technical Standards.
15. Program-Specific Data Elements – Ensures that the HMIS is able to manage the collection of each data variable and corresponding response categories for the Program-specific data elements as outlined in the HMIS Data and Technical Standards.
16. Unduplicated Client Records -Ensures the HMIS is able to generate a summary report of the number of unduplicated client records that have been entered into the HMIS.
17. APR Reporting - Ensures HMIS functionality to generate report; reminders/notification of APR schedule; helpdesk assistance for error correction
18. HMIS Reports – Ensures the HMIS can produce reports, as requested by the CoC.

HMIS Management and Operations - Governance and Management

19. HMIS Technical Support - Initiate and implement HMIS strategic and associated Plans; provide updates on software specific changes/fixes needed.
20. HMIS Issue Tracking - Maintains a list of Software provider HMIS system service requests, activities, deliverables, and resolutions. Reports to CoC on any request status
21. HMIS Issue Monitoring (Community Level) – Maintains a list of CHO service requests, activities, deliverables and resolutions. Reports to CoC on request status
22. HMIS Software Technical Support – Provides technical expertise commensurate with the requirements of the HMIS software and/or system; provides timely support on software technical matters; is responsible for implementation of authorized changes to the HMIS software and processes; and, generally implements resolutions to any special issues authorized by the CoC within the software and/or overall system.
23. HMIS Staff Organization Chart – Maintains a current and accurate organization chart that clearly identifies all team members, roles and responsibilities, and general work activities/functions. Organization chart is available for review.
24. HMIS Software Training - provides regular training on software usage, software and data security, and data entry techniques to participating agencies. Develops, updates, and disseminates data entry tools and training materials.
25. HMIS User Feedback – Develop and implement an annual survey to gather User feedback; reporting on results to the CoC

Joint Governance Charter of Maine CoC and Portland CoC

26. System Operation and Maintenance - Responsible for the day to day operation and maintain of the HMIS System. Monitors and ensures system and data security.

HMIS Management and Operations - Data Quality

27. Data Quality Standards – In conjunction with the HMIS Advisory Committee, develop, implement, and monitor a Data Quality Standard and Compliance Plan on behalf of the Continuums of Care.
28. Data Quality Reports - Regularly disseminate data quality reports to the CHOs that indicate program levels of data entry completion, consistency and timeliness as compared to the data quality standards.
29. Data Quality Technical Assistance – Provides technical assistance and training in response to data quality reports disseminated to assist CHOs with compliance to the data quality standards.
30. Data Quality Reporting (CoC Level) - Regularly reviews and reports on CoC level data quality as compared to the data quality standard. Recommend action as necessary.

HMIS Policy Development and Oversight

31. Client Confidentiality and Privacy –Develop and provide regular training on client confidentiality and privacy requirements to intake, data entry, and reporting staff. Develop and conduct monitoring policies and procedures to insure all CHOs have compliant privacy policies and protocols in place.
32. Training - Develop and conduct training within established training policies.
33. Policies and Procedures - Ensures the existence of and compliance to HMIS Policies and Procedures. In conjunction with the HMIS Advisory Committee, conducts an annual review and update of HMIS policies, procedures, and plans.
34. Agency Participation Agreement – Ensures annual review of written agreements with CHOs to ensure ongoing applicability to current HMIS regulations, notices, and guidance.
35. Data Sharing Agreements – Ensures existence of and maintains a copy of written agreements between participating agencies who share client level data that describes the level of data element or program information sharing among the data sharing HMIS agencies, protocols for ensuring client privacy and confidentiality, protocols for termination of agreement, and business rules on data discrepancy resolution.
36. HMIS End-User Agreement – Ensures annual reauthorization of written agreement with each authorized user of the HMIS that defines participation protocols, including training requirements, consent protocols, system use, and privacy and security standards.

C. **Covered Homeless Organization (CHO):** The primary responsibility of the CHO is to actively participate in the HMIS and comply with all HMIS related requirements, standards, plans, and expectations.

1. Sign and comply with HMIS Participation Agreement

Joint Governance Charter of Maine CoC and Portland CoC

2. Ensure that all CHO End Users have a current and valid HMIS End User Agreement on file with the HMIS Lead Agency
3. Ensure that all CHO staff conducting HMIS data collection, entry, and reporting are operating within the established privacy, security, data quality, and business continuity plans.
4. Ensure that all CHO staff are utilizing the HMIS in accordance with the HMIS Participating Agency Agreement and End User Agreement
5. Establish and enforce human resource compliance protocols to investigate and discipline CHO staff that are not in compliance with the HMIS Participating Agency and/or End User Agreements.
6. Work with HMIS Lead to ensure the HMIS processing capabilities remain consistent with the privacy obligations of the CHO
7. APR and AHAR Reporting – Ensure existence and reliability of CHO data required to generate and submit an accurate APR and to ensure participation in the AHAR.
8. HMIS Reports - Ensure existence and reliability of CHO data required to generate CoC desired reports.
9. HMIS Issue Monitoring (Program Level)- Report issues in a timely fashion; work with HMIS to resolve.
10. HMIS Software Training- Ensures that staff collecting and inputting data into HMIS attend all mandated trainings.
11. HMIS User Feedback- Required to complete the survey
12. Agency and Program HMIS Participation- engage and foster relationships with other non-HUD funded programs to increase participation in HMIS and the CoC.
13. AHAR- engage and foster relationships with other non-HUD funded programs to increase participation in HMIS and the CoC.
14. Client Consent- Adhere to the Privacy Plan
15. Data and System Security- Adhere to the Security Plan
16. Data Quality Standards- adhere to data quality standards
17. Data Quality Reports- Review and correction of data within DQ Standard timelines
18. HMIS Security Standards- Designates a middle or upper management staff to fulfill security officer role
19. Background checks – conduct background checks on staff accessing Personal Protected Information collected, managed, input, or analyzed for HMIS as established by HUD.
20. Client Confidentiality and Privacy Training - participate in trainings and request specialized training based on program/community-identified needs
21. Data Sharing Agreements – Ensures and maintains written agreements with participating agencies who share client level data that describes the level of data element or program information sharing among the data sharing HMIS agencies.
22. HMIS End-User Agreement – Ensures and maintains a written agreement with each authorized user of the HMIS that defines participation protocols, including training criteria, consent protocols, system use, and privacy and security standards.
23. Data Release- Programs owns and accounts and authorizes release of program specific data.

Joint Governance Charter of Maine CoC and Portland CoC

Article 6: Acknowledgement and Acceptance

The HMIS Governance Charter was created by the HMIS Advisory Group whose members consisted of four members of each CoC and a representative of the HMIS Lead Agency on behalf of the Maine Continuum of Care and the Portland Continuum of Care.

IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

All parties will demonstrate a commitment to work together and support each other to achieve stated project goals.

The CoCs agree to provide representation to the HMIS Advisory Group, for the purpose of ensuring HMIS policy and practice that is both consistent with federal and state requirements, and with the local needs of the Continuums.

Maine HMIS agrees to respond to recommendations by each CoC as provided by them through the HMIS Advisory Group.

The Governance Charter will be renewed on an annual basis to confirm that the Charter continues to be relevant and to appropriate.

This Charter documents the mutual understanding between all parties of HMIS related roles, responsibilities, relationships, and authorities between the parties hereto. It should not be construed as the HMIS Lead Agreement, which is the formal contracting agreement between the CoCs and the Designated HMIS Lead for HMIS services. This Charter may be modified, altered, revised, extended or renewed by mutual written consent of all parties, by the issuance of a written amendment, signed and dated by all the parties.

Joint Governance Charter of Maine CoC and Portland CoC

EFFECTIVE DATE AND SIGNATURE

This Charter shall be effective upon the ratification of this Governance Charter by both CoCs as evidenced by a vote of acceptance by each CoC in accordance with its ratification and voting policies, formal acknowledgement of the ratification in the CoC minutes, and by signature of the persons authorized by the CoCs and the HMIS Lead Agency to enter into this agreement.

I acknowledge by evidence of signature below and as the authorized representative of the Maine Continuum of Care, that this HMIS Governance Charter has been ratified by the Continuum of Care membership on January 16, 2014.

Signature of MCoC Representative

Date

I acknowledge by evidence of signature below and as the authorized representative of the Portland Continuum of Care, that this HMIS Governance Charter has been ratified by the Continuum of Care membership on January 15, 2014.

Signature of Portland CoC Representative

Date

I acknowledge by evidence of signature below and as the authorized representative of the Maine HMIS Lead Agency, that the HMIS Lead Agency accepts and acknowledges this HMIS Governance Charter.

Signature of Maine HMIS Lead Agency Representative

Date