

Metro Area Continuum of Care for the Homeless (MACCH)
HUD Continuum of Care (CoC) Program Notice of Funding Opportunity (NOFO)
APPEALS PROCESS

Rev. 2022

Background

In its role as the Collaborative Applicant for the Continuum of Care Notice of Funding Opportunity (NOFO) competition of the U.S. Department of Housing and Urban Development (HUD), MACCH will ensure a consistent appeals process. This will incorporate equitable stakeholder participation regarding this NOFO while also ensuring a transparent process of leadership for MACCH as the Collaborative Applicant.

From time to time, applicants may believe their application was not fairly evaluated for 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, MACCH has developed the following policy and process to provide a mechanism for applicants to appeal recommendations under certain circumstances.

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

- a. The Independent Review Committee (including MACCH staff and/or consultants) overlooked critical information about the project contained within the application and/or submitted scorecard that would have caused the project to meet the annually defined threshold and/or be scored higher. No additional (meaning new) information may be submitted.
- b. There is evidence of lack of fairness in evaluating and scoring the project or application. Evidence of lack of fairness will be considered and reviewed on a project by project basis.

If an applicant agency believes the above to be applicable with regards to their application the agency may file an appeal in writing via email by the deadline set in the annual NOFO Timeline to the MACCH Director of Programs and Compliance detailing the reason for the appeal from “a” or “b” above.

Process and Timeline

MACCH will establish and publish a timeline outlining project application deadlines. Per HUD requirements, applicant organizations will be informed no less than 15 calendar days, or as otherwise defined in the NOFO, 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 five (5) calendar days after announcement by MACCH of initial project selection, scoring, ranking, and tiering.

An appeal must be in the form of a letter on the applicant agency’s letterhead and must clearly state the reason(s) for the appeal and specify all issues being contested. During the appeal process following a funding decision, the applicant may clarify information contained in the application and/or scorecard. No new information may be provided for consideration.

Appeals Committee

The MACCH Board Executive Committee shall oversee the formation of an Appeals Committee that consists of three non-conflicted members as follows: The Appeals Committee shall include two MACCH Board

members who do not represent a homeless services agency, receive funding from HUD (ESG or CoC), NHAP, or IFA, or have any other identified conflicts of interest with the HUD NOFO process. Additionally, the Chair of the Independent Review Committee shall be appointed by the IRC to act as a third and final member of the Appeals Committee. One member of the Appeals Committee shall be designated as its chair and all three members will have voting rights. A date to review relevant information and an appeals meeting will be scheduled and posted as part of the 2022 CoC NOFO Timeline, in compliance with all HUD deadlines set forth in the NOFO.

Process to be followed:

Prior to the meeting, a package of related information will be compiled by MACCH and distributed to the Appeals Committee and appellant. This package shall include the original written appeal request, original funding application/scorecard 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. Additionally, the issue under appeal will be reviewed to determine if other projects have also been affected by the circumstances and/or what impact that may have on scoring and ranking of all projects.

Review:

The appeals review date and time shall be set by the Chair of the Appeals Committee, in alignment with required deadlines set forth by HUD in the NOFO. The appellant may only submit written documentation for consideration by the Appeals Committee and is not allowed to submit new information that was not previously provided as part of the open competition. Appellants will not attend the Appeals Committee in-person. Only written testimony may be provided by the appellant. **The MACCH Director of Programs and Compliance will attend the Appeals Committee meeting to provide all necessary records related to the review and ranking of projects and to answer any questions of the Appeals Committee. No MACCH staff will take part in the decision-making of the Appeals Committee. The Appeals Committee may also request the presence of any CoC NOFO consultants at the meeting to provide technical assistance.**

The process for the appeals meeting will be as follows:

<u>Agenda</u>	<u>Individual Responsible</u>	<u>Timeframe</u>
1. Overview of the process	Chair	5 minutes
2. Introduction of participants	All involved	5 minutes
3. Review of Written Appeal Materials	Committee Designees	< 15 minutes
4. Questions of Appeals Committee	All involved	< 15 minutes
5. Appeals Committee Deliberation	Committee designees	< 20 minutes

Following step 4 above, the Appeals Committee will move into closed session to deliberate the facts presented. The Appeals Committee must consider information from the IRC regarding the scoring decisions originally made. Additionally, the Appeals Committee must review the impact any scoring change will have on other project applicants. Though the ensuing discussion is limited to the Appeals Committee members, the MACCH designee and CoC NOFO Consultants may be asked to remain available and may be asked additional questions of clarification during the deliberation process.

The Appeals Committee shall provide the MACCH Director of Programs and Compliance with a verbal explanation of their decision immediately following deliberation. A written explanation of their decision must also be received within 24 hours. Any scoring changes and subsequent award amount recommendations shall be made by MACCH staff, in consultation with CoC NOFO consultants, upon being informed of said changes by the chair of the Appeals Committee. The agency filing the appeal

will be notified in writing of the decision by the Appeals Committee no later than 24 hours following the decision. Agencies whose funding is impacted by the appeal decision shall also be notified of the decision's impact on their funding by the Appeals Committee no later than 24 hours following the decision. Following notification to impacted parties, any changes shall be forwarded to all Continuum of Care-funded projects by MACCH staff.

Appeal to HUD

If the concerns of the applicant agency are not satisfied through the above-described process, the agency may appeal the CoC'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.