

**A RESOLUTION
BY COUNCILMEMBER JOYCE SHEPERD
AS SUBSTITUTED AND AMENDED
BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

A RESOLUTION ESTABLISHING THE ATLANTA HOMELESS CONTINUUM OF CARE TO CARRY OUT THE PLANNING RESPONSIBILITIES OF THE CONTINUUM OF CARE FOR THE HOMELESS WITHIN THE POLITICAL BOUNDARIES OF THE CITY OF ATLANTA AS REQUIRED BY THE FEDERAL HEARTH ACT; TO PROVIDE FOR A ONE YEAR TRANSITIONAL GOVERNING BOARD FOR THE CONTINUUM EFFECTIVE NO LATER THAN JUNE 30, 2013; TO AUTHORIZE SAID TRANSITIONAL GOVERNING BOARD TO INCORPORATE A GEORGIA NON-PROFIT ORGANIZATION TO SERVE AS THE COLLABORATIVE APPLICANT FOR FEDERAL FUNDING AUTHORIZED UNDER THE HEARTH ACT; TO AUTHORIZE SAID TRANSITIONAL GOVERNING BOARD TO CREATE A PERMANENT GOVERNING BOARD REPRESENTATIVE OF MEMBER CONTINUUM ORGANIZATIONS BY JUNE 1, 2014; TO REQUIRE QUARTERLY REPORTING BY THE GOVERNING BOARD TO THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, on any given night 5,987 Atlanta residents are without a home, the City Council finds that the City of Atlanta is an essential participant and must lead in the establishment of a community-based Continuum of Care in compliance with the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act); and

WHEREAS, a “Continuum of Care” is a geographically based group of community representatives that carries out the planning responsibilities of the Continuum of Care program 24 CFR Part 578; and mandates that the Continuum of Care establish a governance board representative of governments, non-profit homeless assistance providers, faith-based organizations, businesses, advocates, hospitals, universities, and homeless individuals, among other; and

WHEREAS, reducing homelessness requires a significant amount of coordination and cooperation among federal, state, and local governments, as well as private sector service funders, providers and community organizations; and the Continuum of Care represents an opportunity to align public and private funding, planning, services and performance management in the City of Atlanta; and

WHEREAS, the Continuum of Care program is designed to promote community-wide goals to end homelessness; provide funding to quickly re-house homeless individuals (including unaccompanied youth) and families while minimizing trauma and dislocation to those persons; promote access to, and effective utilization of, mainstream programs; and optimize self-sufficiency among individuals and families experiencing homelessness; and

WHEREAS, under the HEARTH ACT, the three existing competitive homeless HUD grant programs—Supportive Housing, Shelter Plus Care, and Single Room Occupancy—have been consolidated into a single grant program, the Continuum of Care program; and

WHEREAS, in order to meet the requirements of the HEARTH Act and to be eligible for federal funding therein, the City Council finds it sound public policy to establish a Continuum of Care within the City of Atlanta political boundaries; and

WHEREAS, the City adopts this resolution pursuant to the City of Atlanta Charter Sections 1-102(b), 1-102(c)(54) and 1-102(c)(56) and in furtherance in the promotion of the safety, health, peace, and general welfare of the city and its inhabitants.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES AS FOLLOWS:

Section 1. There is established the Atlanta Homeless Continuum of Care which shall serve as the sole Continuum of Care, subject to HUD approval, in the political boundaries of the City of Atlanta.

Section 2. The Atlanta Homeless Continuum of Care shall be governed by board as outlined in the HEARTH Interim Rule 24 CFR Part 578. For no longer than one year, commencing no later than June 30, 2013, the governing board shall serve as a transitional board. Said transitional board shall be comprised of no more than thirteen members who shall be appointed by the Mayor to fill roles such as the following:

- A Federal Government representative, to the extent that the Federal government agrees to participation;
- A State Government representative, to the extent that the State government agrees to participation;
- A Fulton County representative, to the extent that the Fulton County government agrees to participation;
- A City of Atlanta representative **with technical expertise**;
- Chair of Community Development/Human Resources Committee or designee;
- **A Council member to be appointed by the Atlanta City Council**;
- An Atlanta Housing Authority representative;
- A representative of the business and/or foundation community;
- A civic and/or faith leader with expertise in homeless services provision;
- A mental health and/or healthcare services provider;
- A homeless services provider with a focus on chronic homelessness, as defined by HUD;
- A homeless services provider that is a recipient of HUD's Emergency Solutions Grants program; and
- A homeless or formerly homeless person

In the case that there ends up an even number of appointees due to a refusal by Federal, State or County governments, the Mayor is authorized to make one additional appointment to the transition board to ensure an odd number of members. The Mayor is also authorized to select one appointee as Chair, **who shall be confirmed by the Atlanta City Council**, for the purposes of structuring the work of the Transition Board. The transitional governing board shall make a **quarterly** report of its actions to the Community Development/Human Resources Committee prior to June 1, 2014.

Section 3. During the tenure of the transitional board, the board shall be charged with:

- (a) Establishing a permanent governing board effective June 1, 2014, subject to the following:
 - 1) The board shall be representative of the continuum, as defined in 24 CFR Part 578; including
 - 2) At least one member shall be a representative of Federal government, to the extent that Federal government agrees to participation; and
 - 3) At least one member shall be a representative of State government, to the extent that State government agrees to participation; and
 - 4) At least one member shall be a representative of Fulton County government, to the extent Fulton County agrees to participation; and
 - 5) At least one member shall be a representative of the City of Atlanta government; and
 - 6) Chair of Community Development/Human Resources Committee or designee; and
 - 7) **A Council member to be appointed by the Atlanta City Council;** and
 - 8) At least one member shall be a representative of the Atlanta Housing Authority; and
 - 9) At least one member shall be a representative of the business and/or foundation community; and
 - 10) At least one member shall be a representative of the civic and/or faith community with expertise in homeless services provision; and
 - 11) At least one member shall be a mental health and/or healthcare services provider; and
 - 12) At least one member shall be a homeless services provider with a focus on chronic homelessness, as defined by HUD; and
 - 13) At least one member shall be a homeless services provider that is a recipient of HUD's Emergency Solutions Grants program; and
 - 14) At least one member shall be homeless or a formerly homeless individual; and
 - 15) The Mayor shall have appointment power for at least 1/2 of the members, plus the chair of the board, **who shall be confirmed by the Atlanta City Council.**
- (b) Establishing a Board Charter and by-laws;
- (c) Inviting all relevant organizations, as defined by the HEARTH Act, to participate as members of the Continuum of Care;
- (d) Incorporating a 501(c)(3) Georgia non-profit organization which shall be tasked with serving as the collaborative applicant, as defined under the HEARTH Act;
- (e) Identifying and securing public or private money to fund an operating budget for the Continuum and the non-profit organization; and
- (f) Appointing an executive director of the non-profit organization
- (g) Ensure completion of the 2014 HUD Notice of Funds Available and other Continuum of Care responsibilities as required by HEARTH Interim Rule 24 CFR Part 578

Section 4. By June 1, 2014, the transitional board shall cease existence and the permanent governing board established in accordance with Section 3 shall assume governing duties for the Atlanta Homeless Continuum of Care. The permanent governing board shall perform all duties and responsibilities set forth under the HEARTH Act and remain aligned with ongoing and future requirements from HUD, including but not limited to:

- (a) Maintaining and following written by-laws, as required and defined by the HEARTH Act;
- (b) Inviting all relevant organizations, as defined by the HEARTH Act, to participate as members of the Continuum of Care;

- (c) Hold meetings of the full Continuum of Care membership, with published agendas, at least semi-annually;
- (d) Make at least one annual, public invitation for new members to join from within the Continuum of Care's jurisdictional boundary;
- (e) Appoint additional committees, subcommittees, or workgroups;
- (f) Incorporate a 501(c)(3) Georgia non-profit organization which shall be tasked with serving as the collaborative applicant, as defined under the HEARTH Act, as well as the day-to-day tasks of managing the Continuum of Care;
- (g) In consultation with the collaborative applicant and the Homeless Management Information System (HMIS) Lead, develop, follow, and maintain a governance charter, which include all procedures and policies needed to comply with subpart B of 24 CFR 578 and with HMIS requirements as prescribed by HUD; and a code of conduct and recusal process for the board, its chair, and any person acting on behalf of the board;
- (h) Consult with recipients and sub-recipients to establish performance targets appropriate for population and program type, monitor recipient and sub-recipient performance, evaluate outcomes, and take action against poor performers;
- (i) Identifying and securing public or private money to fund an operating budget;
- (j) Appoint an executive director of the non-profit organization; and
- (k) Comply with the conflict-of-interest requirements of 24 CFR § 578.95(b).

Section 5. The Mayor's Innovation Delivery Team, the Office of Human Services and the Office of Grants Management are authorized to provide technical assistance necessary to carry out the purposes of this Resolution and the requirements of the HEARTH Act.

Section 6. No general fund dollars, other than human capital, shall be expended in furtherance of the establishment the Atlanta Homeless Continuum of Care authorized herein without prior approval of the City Council.

Section 7. The permanent governing board of the Atlanta Homeless Continuum of Care shall make a **quarterly** report to the Community Development/Human Resources Committee.