



The Continuum of Care (CoC) Program (24 CFR part 578)
&
The Emergency Solutions Grants (ESG) Program (24 CFR part 576)
NC-513 Funding Recommendations and Ranking Appeals Policy

The Continuum of Care (CoC) strives to create a fair and transparent process for all funding recommendations of the Funding Review Committee (FRC). Upon review, the FRC may decide that some project applications should not be recommended for funding, be reduced, agency is an ineligible applicant, or proposed activities are ineligible to receive funding. To ensure due process and enable the FRC to address concerns from agencies related to funding recommendations, agencies have an opportunity to appeal the Funding Review Committee's decision.

A. *How to Appeal:*

1. Applicants must submit a letter on agency letterhead, signed by a director-level position with any relevant supporting documentation **within two (2) business days following notification from the CoC of the funding recommendation or the application's rejection.**
2. Letters must be emailed as PDFs to assigned staff liaison of the Funding Review Committee.
3. No appeal will be considered after the appeals deadline.

Appeals must present information that shows the FRC made a clear error, did not follow the advertised local process, engaged in discrimination, member(s) had a conflict of interest, or the applicant experienced extenuating circumstances, as outlined in more detail below.

The Funding Review Committee will consider each appeal and decide whether to overturn the funding recommendation **within five (5) business days after receiving the properly submitted notice of appeal.**

If the FRC decides to overturn the original funding decision after reviewing appeals, the written decision, including an explanation of the rationale in support of the decision, must be submitted to and approved by the Orange County CoC Leadership Team. Appeals that are not overturned by the FRC will be shared with the Orange County CoC Leadership Team **within 5 business days of the decision.** The Funding Review Committee will email final decisions on appeals directly to the agency/appellant.

B. *Appeal Decisions:*

The FRC will carefully review each eligible appeal request and may, but is not required to, overturn its original decision in the following situations:

1. The FRC mistakenly used false or significantly incomplete information to make decisions and additional information presented as part of the appeal addresses the

deficiencies in the application that affected the decision. The FRC will not consider appeals that present information that applicants simply neglected to include in the original application or when applicants submitted an incomplete/inaccurate application, except in extenuating circumstances, as outlined below.

- a) The deficiencies in the application were due to extenuating circumstances that will not affect long-term viability or performance of the project. For instance, the organization experienced a fire that prevented it from thoroughly completing the application.
 - b) The CoC and/or the FRC did not follow the local competition process as advertised to the CoC or did not follow requirements established by the funding source.
2. A member of the FRC is shown to have a conflict of interest that affected the funding decision; or
 3. A member(s) of the FRC discriminated against the applicant due to the applicant's race, ethnicity, religion, national origin, sexual orientation, gender, gender identity, disability, or familial status.
 - a) If an appeal alleges either a conflict of interest (2) or discrimination (3) as described above and the allegation is substantiated, the FRC must conduct a new full review that does not include the member(s) with the conflict(s) of interest or member(s) who engaged in discriminatory conduct or had a conflict of interest. This full review does not guarantee the FRC's original funding decision will be overturned.

C. Housing and Urban Development (HUD) Continuum of Care Competition (CoC) Appeals

1. The provision at 24 CFR part 578 set forth the following types of appeals:
 - a) Applicants whose project was rejected and the applicant believes it was denied the opportunity to participate in the local CoC competition process in a reasonable manner, may appeal the CoC's final decision directly to HUD as a 'Solo Applicant,' as detailed in the Notice of Funding Opportunity (NOFO).
 - b) Eligible applicants, including project applicants and Collaborative Applicants, that submitted an application to HUD in response to the NOFO, that were either not awarded funds by HUD, or that requested more funds than HUD awarded, may appeal HUD's decision within 45 days after the final funding announcement. HUD will only consider for funding or additional funding applicants the CoC ranked within the CoC's maximum amount available. Collaborative Applicants that submitted CoC planning grant, can appeal decreased funding if they can demonstrate HUD decreased the submitted project application's funding request to less than 5 percent of the CoC's Final Pro Rata Need (FPRN) or \$1,250,000; whichever is less. To appeal HUD's decision, the applicant must submit a written appeal to HUD, with a copy to the authorized representative from the CoC's designated Collaborative Applicant. The written appeal must include evidence demonstrating HUD error and follow the instructions in the NOFO.