



*Working together
to end homelessness*

Tri-County Continuum of Care for Hunterdon, Sussex, & Warren Counties

Tri County CoC Conflict of Interest

Adopted by the Tri-County CoC Board on 08/06/2020

GUIDANCE & BACKGROUND ON CONFLICTS OF INTEREST

The following information is intended to help Tri-County Continuum of Care for Hunterdon, Sussex, and Warren Counties (Tri-County CoC) Board Committee members to understand the Tri-County CoC Conflicts of Interest policy and to propose a simple form that Board Committee members will be required to use to disclose any conflicts of interest - see page 3.

A conflict of interest is a situation in which a person has competing commitments, obligations, duties or goals. Such situations can result in real or perceived lack of independence or impartiality. A conflict of interest occurs, for example, when a Board Committee member, a member of his/her immediate family, or his/her business associate has an interest, financial or otherwise, whether as employee, owner, fiduciary, consultant, Board member, or supplier or recipient of goods or services, in any program or agency that receives Continuum of Care funds.

HUD's Conflict of Interest rule does not define "Immediate Family" but the term can be understood to mean, at a minimum, a parent, spouse, domestic partner, child, or sibling. HUD's Conflict of Interest rule prohibits a Board Committee member from participating in discussions or influencing decisions concerning the award of a grant or other financial benefits to an organization in which the Board Committee member has an interest.¹

Common conflicts of interest may include situations such as the following²:

- A Board Committee member is employed by an agency that receives CoC funds as a recipient, subrecipient or contractor.
- The spouse of a Board Committee member provides consulting services to or is on the Board of an agency that is seeking CoC funds.
- A Board Committee member is employed by an organization that has an investment in one or more CoC funded projects (e.g., a government agency or intermediary organization that provides match, capital funding, or tax credit syndication).
- The child of a Board Committee member is receiving services from a CoC funded project.
- A Board Committee member is receiving housing assistance from a CoC funded project.
- A Board Committee member owns property that receives rental payments from a CoC recipient.

¹ CFR 24 578.95 § 578.95 Conflicts of Interest: <https://www.hudexchange.info/resource/2035/coc-program-interim-rule-formatted-version/>

² HUD does not specifically define conflicts of interests in these particular ways, rather these are examples of common circumstances that arise in CoCs that may involve a conflict of interest.

- The sibling of a Board Committee member owns a business that provides goods or services to a CoC funded project.
- A Board Committee member is employed by an agency that has submitted a Grievance.

Whether or not a Board Committee member has a conflict of interest may change over time or be dependent on the particulars of a given decision being made. If a Board Committee member has a conflict of interest, that member should disclose his or her interest promptly, for example, via use of the form on page 3.

Tri-County Continuum of Care CONFLICT OF INTEREST POLICY

From Tri-County CoC Governance Charter, Page 27:

Article XI– Conflict of Interest

All individuals and representatives of organizations who have a financial interest, other conflict of interest, or perceived conflict of interest in the Tri-County CoC, HUD application, or other topic of discussion, may not vote, nor participate in discussions related to CoC Board recommendations for funding as per Interim Rule 578,95 (All individuals and representatives of organizations who have a financial interest, other conflict of interest, or perceived conflict of interest in the Tri-County CoC, HUD application, or other topic of discussion, may not vote, nor participate in discussions related to CoC Board recommendations for funding as per Interim Rule 578,95

(<https://www.govinfo.gov/content/pkg/CFR-2017-title24-vol3/xml/CFR-2017-title24-vol3-part578.xml#seqnum578.95>).

PROPOSED ADDITION TO POLICY: Each Tri-County CoC Board Committee member is required at least annually to complete either 1) a written attestation of having no current conflicts of interest that would prevent him/her from making decisions about CoC project funding and ranking; or 2) a written disclosure of any such conflicts of interest.

INSTRUCTIONS:

Each Tri-County CoC Board Committee member is required at least annually to complete the form that follows on page 3. Please complete either the attestation or the disclosure section and return to the Tri-County CoC Collaborative Applicant or submit by email to TriCountyCoC@familypromisesussex.org. If your agency receives any CoC funds (even as a sub-recipient or contractor), you must complete the “Disclosure of Interest” section. The Tri-County CoC Co-Chairs, Tri-County CoC Team, and HUD Field Office are available to discuss any questions or concerns you may have regarding conflicts of interest.



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TRI-COUNTY CoC CONFLICTS OF INTEREST FORM

ATTESTATION OF NO CONFLICT OF INTEREST

I, _____, as a member of the Tri-County CoC Board Committee, affirm that I have reviewed the Tri-County CoC Conflict of Interest Policy and currently hold no conflicts of interest that would prevent me from making decisions about CoC project funding and ranking. If a conflict arises, I will recuse myself from the discussion and promptly inform a committee Chair.

Signature:

Date: _____

Printed Name:

DISCLOSURE OF CONFLICTS OF INTEREST

I, _____, as a member of the Tri-County CoC Board Committee, hereby disclose that I have an interest in the following programs or agencies, and will follow the COI policy regarding recusal:

Name(s) of agency/project in which I have an interest - if your interest relates to numerous projects, you may simple indicate "numerous":

Signature:

Date: _____

Printed Name:

Appendix I: Tri-County CoC Code of Conduct

This Tri-County CoC Code of Conduct represents the CoC's commitment to high standards. The following standards should be regarded as minimum expectations for conduct. Members will act in accordance with and maintain the highest standards of professional integrity, impartiality, diligence, creativity and productivity. CoC business will be conducted in a manner that reflects the highest standards and in accordance with federal, state, and local laws and regulations.

1. Compliance with Policies

- A. Members will conduct the Tri-County CoC business in accordance with the by-laws of Tri-County CoC including conflict of interest and information management policies.

2. Conflict of Interest

- A. Members must act in the best interests of the organization and avoid situations where their personal interests or relationships interfere with acting in good faith on behalf of the Tri-County CoC.
- B. Members may not engage in activities that are in conflict with the interests of the Tri-County CoC or that may negatively impact the reputation of the CoC.
- C. Members are required to follow Article VIII of the Tri-County CoC Bylaws regarding conflict of interest and code of conduct.

3. Confidentiality

- A. Members must maintain the highest standards of confidentiality regarding information obtained directly or indirectly through their involvement with the Tri-County CoC. This includes but is not limited to information about members and their organizations and funded agencies. Members must also avoid inadvertent disclosure of confidential information through casual or public discussion, which may be overheard or misinterpreted.

4. Impartiality

- A. Member agencies shall act impartially and with integrity.
Members will:
 - Not knowingly being a party to or condoning any illegal or improper activity.
 - Not directly, or indirectly, seek personal gain which would influence, or appear to influence, the conduct of their duties.
 - Not exploit CoC professional relationships for personal or professional gain
 - Be alert to the influences and pressures that interfere with the professional discretion and impartial judgment required for the performance of members.