

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

NATIONAL LAW CENTER ON )  
HOMELESSNESS & POVERTY, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
UNITED STATES DEPARTMENT OF )  
HOUSING AND URBAN )  
DEVELOPMENT, )  
 )  
Defendant. )  
\_\_\_\_\_ )

C.A. No. 18-cv-00998 (APM)

**DECLARATION REBECCA SMULLIN**

I, Rebecca Smullin, declare as follows:

1. I am an attorney representing National Law Center on Homelessness & Poverty in this matter.

2. Attached as Exhibit A to this declaration is a true and correct copy of a document that I downloaded on January 3, 2019 from the following URL: <http://helpingtohousevt.org/wp-content/uploads/2016/06/HUD-VT-BoS-CoC-Debriefing-Scores-FY2015-NOFA.pdf>. The URL was available at the link titled “HUD VT BoS CoC Debriefing Scores – FY2015 NOFA” on the following website: <http://helpingtohousevt.org/whatwedo/hud/ff-2015-hud-continuum-of-care/>.

3. Attached as Exhibit B to this declaration is a true and correct copy of a document that I downloaded on December 14, 2018 from the following URL: <http://helpingtohousevt.org/wp-content/uploads/2016/07/FY16-VT-BoS-CoC-Debrief.pdf>. The URL was available at a link titled “FY16 VT BoS CoC Debrief” on the following website: <http://helpingtohousevt.org/whatwedo/hud/ff-2015-hud-continuum-of-care/>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of January, 2019.

/s/ Rebecca Smullin  
Rebecca Smullin

# **EXHIBIT A**

## Continuum of Care Program | **FY 2015** Competition Debriefing

---

CoC Name: Vermont Balance of State CoC

CoC Number: VT-500

---

The chart below indicates the maximum amount of points available for each scoring category and the actual score your CoC received.

Scoring Category	Maximum Score (Points)	Your CoC Score (Points)
<i>CoC Engagement</i>	55	49.75
<i>Homeless Management Information System</i>	27	22.5
<i>System Performance</i>	98	76
<i>Accessing Mainstream Benefits</i>	19	19
Leveraging	1	0.75
<b>CoC Application Score</b>	<b>200</b>	<b>171</b>
<i>Bonus Points – Early submission</i>	3	3
<b>Total CoC Score with Bonus Points</b>	<b>203</b>	<b>174</b>

### Overall Scores for all CoCs

Highest Score for any CoC: 188

Lowest Score for any CoC: 49.5

Median Score for all CoCs: 149.75

Weighted Median Score for all CoCs: 158.25\*

\*CoCs that scored higher than the weighted median score were more likely to gain funding relative to their Annual Renewal Demand, while CoCs that scored lower than the weighted median were more likely to lose money relative to their Annual Renewal Demand.

## Continuum of Care Program Competition Debriefing

# FY 2015

### Specific CoC Application Questions with Points

Below is a selection of some CoC Application questions that includes the total points available for each of the questions listed and the points received by the CoC for the question.

CoC Application Questions	Maximum Score Available	CoC Score Received
1C-4. List each of the Public Housing Agencies (PHAs) within the CoC's geographic area. If there are more than 5 PHAs within the CoC's geographic area, list the 5 largest PHAs. For each PHA, provide the percentage of new admissions that were homeless at the time of admission between October 1, 2014 and March 31, 2015, and indicate whether the PHA has a homeless admissions preference in its Public Housing and/or Housing Choice Voucher (HCV) program. (Full credit consideration may be given for the relevant excerpt from the PHA's administrative planning document(s) clearly showing the PHA's homeless preference, e.g. Administration Plan, Admissions and Continued Occupancy Policy (ACOP), Annual Plan, or 5-Year Plan, as appropriate).	3	2.5
4B-1. Based on the CoC's FY 2015 new and renewal project applications, what percentage of Permanent Housing (PSH and RRH), Transitional Housing (TH) and SSO (non-Coordinated Entry) projects in the CoC are low barrier? Meaning that they do not screen out potential participants based on those clients possessing a) too little or little income, b) active or history of substance use, c) criminal record, with exceptions for state mandated restrictions, and d) history of domestic violence.	6	6
4B-2. What percentage of CoC Program-funded Permanent Supportive Housing (PSH), RRH, SSO (non-Coordinated Entry) and Transitional Housing (TH) FY 2015 Projects have adopted a Housing First approach, meaning that the project quickly houses clients without preconditions or service participation requirements?	6	6
<i>This question assessed whether a CoC used objective criteria and past performance to review and rank projects. To receive full points, CoCs would have had to use performance-based criteria to at least partially evaluate and rank projects. Examples of performance criteria include reducing the length of time people experienced homelessness and the degree to which people exited programs for permanent housing destinations.</i>	13	8
1F-2. In the sections below, check the appropriate box(s) for each section to indicate how project applications were reviewed and ranked for the FY 2015 CoC Program Competition. (Written documentation of the CoC's publicly announced Rating and Review procedure must be attached.)		
1F-2a. Describe how the CoC considered the severity of needs and vulnerabilities of participants that are, or will be, served by the project applications when determining project application priority.	3	1.5

## Continuum of Care Program Competition Debriefing

# FY 2015

3A-3. Performance Measure: Length of Time Homeless. Describe the CoC's efforts to reduce the length of time individuals and families remain homeless. Specifically, describe how your CoC has reduced the average length of time homeless, including how the CoC identifies and houses individuals and families with the longest lengths of time homeless.	6	6
3A-5. Performance Measure: Returns to Homelessness. Describe the CoC's efforts to reduce the rate of individuals and families who return to homelessness. Specifically, describe at least three strategies your CoC has implemented to identify and minimize returns to homelessness, and demonstrate the use of HMIS or a comparable database to monitor and record returns to homelessness.	5	5
3B-1.4. Did the CoC adopt the orders of priority in all CoC Program-funded PSH as described in Notice CPD-14-012: Prioritizing Persons Experiencing Chronic Homelessness in Permanent Supportive Housing and Recordkeeping Requirements for Documenting Chronic Homeless Status?	6	3
3B-1.5. CoC Program funded Permanent Supportive Housing Project Beds prioritized for serving people experiencing chronic homelessness in FY2015 operating year.	6	3
3B-2.8. Using HMIS, compare all unaccompanied youth (under age 18, and ages 18-24) served in any HMIS contributing program who were in an unsheltered situation prior to entry in FY 2013 (October 1, 2012 - September 30, 2013) and FY 2014 (October 1, 2013 - September 30, 2014).	5	5

# **EXHIBIT B**

CoC Name: Vermont Balance of State CoC

CoC Number: VT-500

This document summarizes the scores your CoC received in the FY 2016 Continuum of Care Program Competition application. It provides three sets of information:

- The CoC's score on several high priority questions;
- A summary of the CoC's scores on the four sections of the application; and
- A summary of the average CoC score, including the highest and lowest scores.

The scores are organized in the same manner as the CoC application. In a separate document, we are publishing a crosswalk showing how the questions in the CoC application were related to the questions in the NOFA.

### High Priority CoC Application Questions

Below is a selection of high priority CoC Application questions that includes the total points available for each of the questions listed and the points received by the CoC for the question. The chart below indicates the maximum amount of points available for each scoring category and the actual score your CoC received.

High Priority CoC Application Questions		
CoC Application Questions	Maximum Score Available	CoC Score Received
<b>1F. Continuum of Care (CoC) Project Review, Ranking, and Selection</b>		
<i>This question assessed whether a CoC used objective criteria and past performance to review and rank projects. To receive full points, CoCs would have had to use performance-based criteria to at least partially evaluate and rank projects. Examples of performance criteria include reducing the length of time people experienced homelessness and the degree to which people exited programs for permanent housing destinations.</i>	10	10
1F-2. In the sections below, check the appropriate box(s) for each section to indicate how project applications were reviewed and ranked for the FY 2016 CoC Program Competition. (Written documentation of the CoC's publicly announced Rating and Review procedure must be attached.)		
1F-2a. Describe how the CoC considered the severity of needs and vulnerabilities of participants that are, or will be, served by the	4	0



<b>High Priority CoC Application Questions</b>		
<b>CoC Application Questions</b>	<b>Maximum Score Available</b>	<b>CoC Score Received</b>
project applications when determining project application priority.		
<b>Homeless Management Information System (HMIS) Bed Coverage</b>		
2C-2. Per the 2016 Housing Inventory Count (HIC), indicate the number of beds in the 2016 HIC and in HMIS for each project type within the CoC. If a particular project type does not exist in the CoC then enter "0" for all cells in that project type.	4	0
<b>3A. Continuum of Care (CoC) System Performance</b>		
<i>This question captured the change in PIT counts of Sheltered and Unsheltered Homeless Persons</i> 3A-1a. Using the table provided, indicate the number of persons who were homeless at the Point-in-Time (PIT) based on the 2015 and 2016 PIT counts (or the two most recent years' PIT counts were conducted) as recorded in the Homelessness Data Exchange (HDX)	7	2
3A-3. Performance Measure: Length of Time Homeless. Describe the CoCs efforts to reduce the length of time individuals and families remain homeless. Specifically, describe how the CoC has reduced the average length of time homeless, including how the CoC identifies and houses individuals and families with the longest lengths of time homeless.	7	7
3A-4a. Exits to Permanent Housing Destinations: Fill in the chart to indicate the extent to which projects exit program participants into permanent housing (subsidized or non-sub-subsidized) or the retention of program participants in CoC Program-funded permanent supportive housing.	4	4
3A-4b. Exit to or Retention of Permanent Housing. In the chart provided, CoCs must indicate the number of persons who exited from any CoC-funded permanent housing project except Rapid Rehousing (RRH) to permanent housing destinations or retained their permanent housing between October 1, 2014 and September 30, 2015	3	3
3A-5. Performance Measure: Returns to Homelessness: Describe the CoCs efforts to reduce	4	4

<b>High Priority CoC Application Questions</b>		
<b>CoC Application Questions</b>	<b>Maximum Score Available</b>	<b>CoC Score Received</b>
the rate of individuals and families who return to homelessness. Specifically, describe strategies your CoC has implemented to identify and minimize the returns to homelessness, and demonstrate the use of HMIS or a comparable database to monitor and record returns to homelessness.		
3A.8. Enter the date the CoC submitted the system performance measure data into HDX. The System Performance Report generated by HDX must be attached.	10	10
<b>3B. Continuum of Care (CoC) Performance and Strategic Planning Objectives</b>		
3B-1.2. Compare the total number of PSH beds (CoC program and non-CoC program funded) that were identified as dedicated for use by chronically homeless persons on the 2016 Housing Inventory Count, as compared to those identified on the 2015 Housing Inventory count.	10	6
3B-2.3. Compare the number of RRH units available to serve families from the 2015 and 2016 HIC.	5	0
3B-3.1 Compare the total number of homeless Veterans in the CoC as reported by the CoC for the 2016 PIT count compared to 2015 (or 2014 if an unsheltered count was not conducted in 2015.)	8	8
<b>4B. Additional Policies</b>		
4B-1. Based on the CoCs FY 2016 new and renewal project applications, what percentage of Permanent Housing (PSH and RRH), Transitional Housing (TH), and SSO (non-Coordinated Entry) projects in the CoC are low barrier?	6	6
4B-2. What percentage of CoC Program-funded Permanent Supportive Housing (PSH), Rapid RE-Housing (RRH), SSO (non-coordinated entry) and Transitional Housing (TH) FY 2016 projects have adopted a Housing First approach, meaning that the project quickly houses clients without preconditions or service participation requirements?	6	6

<b>High Priority CoC Application Questions</b>		
<b>CoC Application Questions</b>	<b>Maximum Score Available</b>	<b>CoC Score Received</b>
4B-4. Compare the number of RRH units available to serve all populations from the 2015 and 2016 HIC.	4	4

<b>CoC Scoring Summary</b>		
<b>Scoring Category</b>	<b>Maximum Score (Points)</b>	<b>Your CoC Score (Points)</b>
Part 1: CoC Structure and Governance	51	44.5
Part 2: Data Collection and Quality	27	22
Part 3: CoC Performance and Strategic Planning	101	79.5
Part 4: Cross-Cutting Policies	21	20.75
<b>Total CoC Application Score</b>	<b>200</b>	<b>166.75</b>

### **Overall Scores for all CoCs**

Highest Score for any CoC: 187.75

Lowest Score for any CoC: 79

Median Score for all CoCs: 154.5

Weighted Mean Score for all CoCs: 160.7

\*The weighted mean score is the mean CoC score weighted by Annual Renewal Demand. CoCs that scored higher than the weighted mean score were more likely to gain funding relative to their Annual Renewal Demand, while CoCs that scored lower than the weighted mean were more likely to lose money relative to their Annual Renewal Demand.