

110TH CONGRESS
2D SESSION

H. R. 7221

To amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2008

Ms. MOORE of Wisconsin (for herself, Mrs. BIGGERT, Ms. WATERS, Mr. DAVIS of Kentucky, Mr. FRANK of Massachusetts, Mrs. CAPITO, and Mr. CARSON) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Homeless Emergency Assistance and Rapid Transition
6 to Housing Act of 2008”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definition of homelessness.

Sec. 4. United States Interagency Council on Homelessness.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

- Sec. 101. Definitions.
 Sec. 102. Community homeless assistance planning boards.
 Sec. 103. General provisions.
 Sec. 104. Protection of personally identifying information by victim service providers.
 Sec. 105. Authorization of appropriations.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

- Sec. 201. Grant assistance.
 Sec. 202. Eligible activities.
 Sec. 203. Participation in Homeless Management Information System.

TITLE III—CONTINUUM OF CARE PROGRAM

- Sec. 301. Continuum of care.
 Sec. 302. Eligible activities.
 Sec. 303. High performing communities.
 Sec. 304. Program requirements.
 Sec. 305. Selection criteria, allocation amounts, and funding.
 Sec. 306. Research.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

- Sec. 401. Rural housing stability assistance.
 Sec. 402. GAO study of homelessness and homeless assistance in rural areas.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

- Sec. 501. Repeals.
 Sec. 502. Conforming amendments.
 Sec. 503. Effective date.
 Sec. 504. Regulations.
 Sec. 505. Amendment to table of contents.

1 SEC. 2. FINDINGS AND PURPOSES.

2 (a) FINDINGS.—The Congress finds that—

3 (1) a lack of affordable housing and limited
 4 scale of housing assistance programs are the pri-
 5 mary causes of homelessness; and

6 (2) homelessness affects all types of commu-
 7 nities in the United States, including rural, urban,
 8 and suburban areas.

9 (b) PURPOSES.—The purposes of this Act are—

1 (1) to consolidate the separate homeless assist-
2 ance programs carried out under title IV of the
3 McKinney-Vento Homeless Assistance Act (con-
4 sisting of the supportive housing program and re-
5 lated innovative programs, the safe havens program,
6 the section 8 assistance program for single-room oc-
7 cupancy dwellings, and the shelter plus care pro-
8 gram) into a single program with specific eligible ac-
9 tivities;

10 (2) to codify in Federal law the continuum of
11 care planning process as a required and integral
12 local function necessary to generate the local strate-
13 gies for ending homelessness; and

14 (3) to establish a Federal goal of ensuring that
15 individuals and families who become homeless return
16 to permanent housing within 30 days.

17 **SEC. 3. DEFINITION OF HOMELESSNESS.**

18 (a) IN GENERAL.—Section 103 of the McKinney-
19 Vento Homeless Assistance Act (42 U.S.C. 11302) is
20 amended—

21 (1) by redesignating subsections (b) and (c) as
22 subsections (c) and (d); and

23 (2) by striking subsection (a) and inserting the
24 following:

1 “(a) IN GENERAL.—For purposes of this Act, the
2 terms ‘homeless’, ‘homeless individual’, and ‘homeless per-
3 son’ means—

4 “(1) an individual or family who lacks a fixed,
5 regular, and adequate nighttime residence;

6 “(2) an individual or family with a primary
7 nighttime residence that is a public or private place
8 not designed for or ordinarily used as a regular
9 sleeping accommodation for human beings, including
10 a car, park, abandoned building, bus or train sta-
11 tion, airport, or camping ground;

12 “(3) an individual or family living in a super-
13 vised publicly or privately operated shelter des-
14 ignated to provide temporary living arrangements
15 (including hotels and motels paid for by Federal,
16 State, or local government programs for low-income
17 individuals or by charitable organizations, con-
18 gregate shelters, and transitional housing);

19 “(4) an individual who resided in a shelter or
20 place not meant for human habitation and who is
21 exiting an institution where he or she temporarily
22 resided;

23 “(5) an individual or family who—

24 “(A) will imminently lose their housing, in-
25 cluding housing they own, rent, or live in with-

1 out paying rent, are sharing with others, and
2 rooms in hotels or motels not paid for by Fed-
3 eral, State, or local government programs for
4 low-income individuals or by charitable organi-
5 zations, as evidenced by—

6 “(i) a court order resulting from an
7 eviction action that notifies the individual
8 or family that they must leave within 14
9 days;

10 “(ii) the individual or family having a
11 primary nighttime residence that is a room
12 in a hotel or motel and where they lack the
13 resources necessary to reside there for
14 more than 14 days; or

15 “(iii) credible evidence indicating that
16 the owner or renter of the housing will not
17 allow the individual or family to stay for
18 more than 14 days, and any oral statement
19 from an individual or family seeking home-
20 less assistance that is found to be credible
21 shall be considered credible evidence for
22 purposes of this clause;

23 “(B) has no subsequent residence identi-
24 fied; and

1 “(C) lacks the resources or support net-
2 works needed to obtain other permanent hous-
3 ing; and

4 “(6) unaccompanied youth and homeless fami-
5 lies with children and youth defined as homeless
6 under other Federal statutes who—

7 “(A) have experienced a long-term period
8 without living independently in permanent
9 housing;

10 “(B) have experienced persistent instability
11 as measured by frequent moves over such pe-
12 riod; and

13 “(C) can be expected to continue in such
14 status for an extended period of time because of
15 chronic disabilities, chronic physical health or
16 mental health conditions, substance addiction,
17 histories of domestic violence or childhood
18 abuse, the presence of a child or youth with a
19 disability, or multiple barriers to employment.

20 “(b) DOMESTIC VIOLENCE AND OTHER DANGEROUS
21 OR LIFE-THREATENING CONDITIONS.—Notwithstanding
22 any other provision of this section, the Secretary shall con-
23 sider to be homeless any individual or family who is flee-
24 ing, or is attempting to flee, domestic violence, dating vio-
25 lence, sexual assault, stalking, or other dangerous or life-

1 threatening conditions in the individual’s or family’s cur-
2 rent housing situation, including where the health and
3 safety of children are jeopardized, and who have no other
4 residence and lack the resources or support networks to
5 obtain other permanent housing.”.

6 (b) REGULATIONS.—Not later than the expiration of
7 the 6-month period beginning upon the date of the enact-
8 ment of this Act, the Secretary of Housing and Urban
9 Development shall issue regulations that provide sufficient
10 guidance to recipients of funds under title IV of the
11 McKinney-Vento Homeless Assistance Act to allow uni-
12 form and consistent implementation of the requirements
13 of section 103 of such Act, as amended by subsection (a)
14 of this section. This subsection shall take effect on the
15 date of the enactment of this Act.

16 (c) CLARIFICATION OF EFFECT ON OTHER LAWS.—
17 This section and the amendments made by this section
18 to section 103 of the McKinney-Vento Homeless Assist-
19 ance Act (42 U.S.C. 11302) may not be construed to af-
20 fect, alter, limit, annul, or supersede any other provision
21 of Federal law providing a definition of “homeless”,
22 “homeless individual”, or “homeless person” for purposes
23 other than such Act, except to the extent that such provi-
24 sion refers to such section 103 or the definition provided
25 in such section 103.

1 **SEC. 4. UNITED STATES INTERAGENCY COUNCIL ON HOME-**
2 **LESSNESS.**

3 (a) IN GENERAL.—Title II of the McKinney-Vento
4 Homeless Assistance Act (42 U.S.C. 11311 et seq.) is
5 amended—

6 (1) in section 201 (42 U.S.C. 11311), by insert-
7 ing before the period at the end the following
8 “whose mission shall be to coordinate the Federal
9 response to homelessness and to create a national
10 partnership at every level of government and with
11 the private sector to reduce and end homelessness in
12 the Nation while maximizing the effectiveness of the
13 Federal Government in contributing to the end of
14 homelessness”;

15 (2) in section 202 (42 U.S.C. 11312)—

16 (A) in subsection (a)—

17 (i) by redesignating paragraph (16) as
18 paragraph (22); and

19 (ii) by inserting after paragraph (15)
20 the following:

21 “(16) The Commissioner of Social Security, or
22 the designee of the Commissioner.

23 “(17) The Attorney General of the United
24 States, or the designee of the Attorney General.

25 “(18) The Director of the Office of Manage-
26 ment and Budget, or the designee of the Director.

1 “(19) The Director of the Office of Faith-Based
2 and Community Initiatives, or the designee of the
3 Director.

4 “(20) The Director of USA FreedomCorps, or
5 the designee of the Director.”;

6 (B) in subsection (c), by striking “annu-
7 ally” and inserting “four times each year, and
8 the rotation of the positions of Chairperson and
9 Vice Chairperson required under subsection (b)
10 shall occur at the first meeting of each year”;
11 and

12 (C) by adding at the end the following:

13 “(e) ADMINISTRATION.—The Executive Director of
14 the Council shall report to the Chairman of the Council.”;

15 (3) in section 203(a) (42 U.S.C. 11313(a))—

16 (A) by redesignating paragraphs (1), (2),
17 (3), (4), (5), (6), and (7) as paragraphs (2),
18 (3), (4), (5), (9), (10), and (11), respectively;

19 (B) by inserting before paragraph (2), as
20 so redesignated by subparagraph (A), the fol-
21 lowing:

22 “(1) not later than 12 months after the date of
23 the enactment of the Homeless Emergency Assist-
24 ance and Rapid Transition to Housing Act of 2008,
25 develop, make available for public comment, and

1 submit to the President and to Congress a National
2 Strategic Plan to End Homelessness, and shall up-
3 date such plan annually;”;

4 (C) in paragraph (5), as redesignated by
5 subparagraph (A), by striking “at least 2, but
6 in no case more than 5” and inserting “not less
7 than 5, but in no case more than 10”;

8 (D) by inserting after paragraph (5), as so
9 redesignated by subparagraph (A), the fol-
10 lowing:

11 “(6) encourage the creation of State Inter-
12 agency Councils on Homelessness and the formula-
13 tion of jurisdictional 10-year plans to end homeless-
14 ness at State, city, and county levels;

15 “(7) annually obtain from Federal agencies
16 their identification of consumer-oriented entitlement
17 and other resources for which persons experiencing
18 homelessness may be eligible and the agencies’ iden-
19 tification of improvements to ensure access; develop
20 mechanisms to ensure access by persons experi-
21 encing homelessness to all Federal, State, and local
22 programs for which the persons are eligible, and to
23 verify collaboration among entities within a commu-
24 nity that receive Federal funding under programs
25 targeted for persons experiencing homelessness, and

1 other programs for which persons experiencing
2 homelessness are eligible, including mainstream pro-
3 grams identified by the Government Accountability
4 Office in the reports entitled ‘Homelessness: Coordi-
5 nation and Evaluation of Programs Are Essential’,
6 issued February 26, 1999, and ‘Homelessness: Bar-
7 riers to Using Mainstream Programs’, issued July 6,
8 2000;

9 “(8) conduct research and evaluation related to
10 its functions as defined in this section;

11 “(9) develop joint Federal agency and other ini-
12 tiatives to fulfill the goals of the agency;”;

13 (E) in paragraph (10), as so redesignated
14 by subparagraph (A), by striking “and” at the
15 end;

16 (F) in paragraph (11), as so redesignated
17 by subparagraph (A), by striking the period at
18 the end and inserting a semicolon;

19 (G) by adding at the end the following new
20 paragraphs:

21 “(12) develop constructive alternatives to crim-
22 inalizing homelessness and eliminate laws and poli-
23 cies that prohibit sleeping, feeding, sitting, resting,
24 or lying in public spaces when there are no suitable
25 alternatives, result in the destruction of a homeless

1 person's property without due process, or are selec-
2 tively enforced against homeless persons; and

3 “(13) not later than the expiration of the 6-
4 month period beginning upon completion of the
5 study requested in a letter to the Acting Comptroller
6 General from the Chair and ranking member of the
7 House Financial Services Committee and several
8 other members regarding various definitions of
9 homelessness in Federal statutes, convene a meeting
10 of representatives of all Federal agencies and com-
11 mittees of the House of Representatives and the
12 Senate having jurisdiction over any Federal program
13 to assist homeless individuals or families, local and
14 State governments, academic researchers who spe-
15 cialize in homelessness, nonprofit housing and serv-
16 ice providers that receive funding under any Federal
17 program to assist homeless individuals or families,
18 organizations advocating on behalf of such nonprofit
19 providers and homeless persons receiving housing or
20 services under any such Federal program, and home-
21 less persons receiving housing or services under any
22 such Federal program, at which meeting such rep-
23 resentatives shall discuss all issues relevant to
24 whether the definitions of ‘homeless’ under para-
25 graphs (1) through (4) of section 103(a) of the

1 McKinney-Vento Homeless Assistance Act, as
2 amended by section 3 of the Homeless Emergency
3 Assistance and Rapid Transition to Housing Act of
4 2008, should be modified by the Congress, including
5 whether there is a compelling need for a uniform
6 definition of homelessness under Federal law, the ex-
7 tent to which the differences in such definitions cre-
8 ate barriers for individuals to accessing services and
9 to collaboration between agencies, and the relative
10 availability, and barriers to access by persons de-
11 fined as homeless, of mainstream programs identi-
12 fied by the Government Accountability Office in the
13 two reports identified in paragraph (7) of this sub-
14 section; and shall submit transcripts of such meet-
15 ing, and any majority and dissenting recommenda-
16 tions from such meetings, to each committee of the
17 House of Representatives and the Senate having ju-
18 risdiction over any Federal program to assist home-
19 less individuals or families not later than the expira-
20 tion of the 60-day period beginning upon conclusion
21 of such meeting.”.

22 (4) in section 203(b)(1) (42 U.S.C.
23 11313(b))—

24 (A) by striking “Federal” and inserting
25 “national”;

1 (B) by striking “; and” and inserting “and
2 pay for expenses of attendance at meetings
3 which are concerned with the functions or ac-
4 tivities for which the appropriation is made;”;

5 (5) in section 205(d) (42 U.S.C. 11315(d)), by
6 striking “property.” and inserting “property, both
7 real and personal, public and private, without fiscal
8 year limitation, for the purpose of aiding or facili-
9 tating the work of the Council.”; and

10 (6) by striking section 208 (42 U.S.C. 11318)
11 and inserting the following:

12 **“SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated to carry out
14 this title \$3,000,000 for fiscal year 2009 and such sums
15 as may be necessary for fiscal years 2010. Any amounts
16 appropriated to carry out this title shall remain available
17 until expended.”.

18 (b) **EFFECTIVE DATE.**—The amendments made by
19 subsection (a) shall take effect on, and shall apply begin-
20 ning on, the date of the enactment of this Act .

1 **TITLE I—HOUSING ASSISTANCE**
 2 **GENERAL PROVISIONS**

3 **SEC. 101. DEFINITIONS.**

4 Subtitle A of title IV of the McKinney-Vento Home-
 5 less Assistance Act (42 U.S.C. 11361 et seq.) is amend-
 6 ed—

7 (1) by striking the subtitle heading and insert-
 8 ing the following:

9 **“Subtitle A—General Provisions”;**

10 (2) by redesignating sections 401 and 402 (42
 11 U.S.C. 11361, 11362) as sections 403 and 406, re-
 12 spectively; and

13 (3) by inserting before section 403 (as so redес-
 14 igned by paragraph (2) of this section) the fol-
 15 lowing new section:

16 **“SEC. 401. DEFINITIONS.**

17 “For purposes of this title:

18 “(1) **AT RISK OF HOMELESSNESS.**—The term
 19 ‘at risk of homelessness’ means, with respect to an
 20 individual or family, that the individual or family—

21 “(A) has income below 30 percent of me-
 22 dian income for the geographic area;

23 “(B) has insufficient resources immediately
 24 available to attain housing stability; and

1 “(C)(i) has moved frequently because of
2 economic reasons;

3 “(ii) is living in the home of another be-
4 cause of economic hardship;

5 “(iii) has been notified that their right to
6 occupy their current housing or living situation
7 will be terminated;

8 “(iv) lives in a hotel or motel;

9 “(v) lives in severely overcrowded housing;

10 “(vi) is exiting an institution; or

11 “(vii) otherwise lives in housing that has
12 characteristics associated with instability and
13 an increased risk of homelessness.

14 Such term includes all families with children
15 and youth defined as homeless under other
16 Federal statutes.

17 “(2) CHRONICALLY HOMELESS.—

18 “(A) IN GENERAL.—The term ‘chronically
19 homeless’ means, with respect to an individual
20 or family, that the individual or family—

21 “(i) is homeless and lives or resides in
22 a place not meant for human habitation, a
23 safe haven, or in an emergency shelter;

24 “(ii) has been homeless and living or
25 residing in a place not meant for human

1 habitation, a safe haven, or in an emer-
2 gency shelter continuously for at least 1
3 year or on at least four separate occasions
4 in the last 3 years; and

5 “(iii) has an adult head of household
6 (or a minor head of household if no adult
7 is present in the household) with a
8 diagnosable substance use disorder, serious
9 mental illness, developmental disability (as
10 defined in section 102 of the Develop-
11 mental Disabilities Assistance and Bill of
12 Rights Act of 2000 (42 U.S.C. 15002)),
13 post traumatic stress disorder, cognitive
14 impairments resulting from a brain injury,
15 or chronic physical illness or disability, in-
16 cluding the co-occurrence of two or more of
17 those conditions.

18 “(B) RULE OF CONSTRUCTION.—A person
19 who currently lives or resides in an institutional
20 care facility, including a jail, substance abuse or
21 mental health treatment facility, hospital or
22 other similar facility, and has resided there for
23 fewer than 90 days shall be considered chron-
24 ically homeless if such person met all of the re-

1 quirements described in subparagraph (A) prior
2 to entering that facility.

3 “(3) COLLABORATIVE APPLICANT.—The term
4 ‘collaborative applicant’ means an entity that—

5 “(A) carries out the duties specified in sec-
6 tion 402;

7 “(B) serves as the applicant for project
8 sponsors who jointly submit a single application
9 for a grant under subtitle C in accordance with
10 a collaborative process; and

11 “(C) if the entity is a legal entity and is
12 awarded such grant, receives such grant di-
13 rectly from the Secretary.

14 “(4) COLLABORATIVE APPLICATION.—The term
15 ‘collaborative application’ means an application for a
16 grant under subtitle C that—

17 “(A) satisfies section 422; and

18 “(B) is submitted to the Secretary by a
19 collaborative applicant.

20 “(5) CONSOLIDATED PLAN.—The term ‘Con-
21 solidated Plan’ means a comprehensive housing af-
22 fordability strategy and community development
23 plan required in part 91 of title 24, Code of Federal
24 Regulations.

1 “(6) ELIGIBLE ENTITY.—The term ‘eligible en-
2 tity’ means, with respect to a subtitle, a public enti-
3 ty, a private entity, or an entity that is a combina-
4 tion of public and private entities, that is eligible to
5 directly receive grant amounts under such subtitle.

6 “(7) FAMILIES WITH CHILDREN AND YOUTH
7 DEFINED AS HOMELESS UNDER OTHER FEDERAL
8 STATUTES.—The term ‘families with children and
9 youth defined as homeless under other Federal stat-
10 utes’ means any children or youth that are defined
11 as ‘homeless’ under any Federal statute other than
12 this subtitle, but are not defined as homeless under
13 section 103, and shall also include the parent, par-
14 ents, or guardian of such children or youth under
15 subtitle B of title VII this Act (42 U.S.C. 11431 et
16 seq.).

17 “(8) GEOGRAPHIC AREA.—The term ‘geo-
18 graphic area’ means a State, metropolitan city,
19 urban county, town, village, or other nonentitlement
20 area, or a combination or consortia of such, in the
21 United States, as described in section 106 of the
22 Housing and Community Development Act of 1974
23 (42 U.S.C. 5306).

24 “(9) HOMELESS INDIVIDUAL WITH A DIS-
25 ABILITY.—

1 “(A) IN GENERAL.—The term ‘homeless
2 individual with a disability’ means an individual
3 who is homeless, as defined in section 103, and
4 has a disability that—

5 “(i)(I) is expected to be long-con-
6 tinuing or of indefinite duration;

7 “(II) substantially impedes the indi-
8 vidual’s ability to live independently;

9 “(III) could be improved by the provi-
10 sion of more suitable housing conditions;
11 and

12 “(IV) is a physical, mental, or emo-
13 tional impairment, including an impair-
14 ment caused by alcohol or drug abuse, post
15 traumatic stress disorder, or brain injury;

16 “(ii) is a developmental disability, as
17 defined in section 102 of the Develop-
18 mental Disabilities Assistance and Bill of
19 Rights Act of 2000 (42 U.S.C. 15002); or

20 “(iii) is the disease of acquired im-
21 munodeficiency syndrome or any condition
22 arising from the etiologic agency for ac-
23 quired immunodeficiency syndrome.

24 “(B) RULE.—Nothing in clause (iii) of
25 subparagraph (A) shall be construed to limit

1 eligibility under clause (i) or (ii) of subpara-
2 graph (A).

3 “(10) LEGAL ENTITY.—The term ‘legal entity’
4 means—

5 “(A) an entity described in section
6 501(c)(3) of the Internal Revenue Code of 1986
7 (26 U.S.C. 501(c)(3)) and exempt from tax
8 under section 501(a) of such Code;

9 “(B) an instrumentality of State or local
10 government; or

11 “(C) a consortium of instrumentalities of
12 State or local governments that has constituted
13 itself as an entity.

14 “(11) METROPOLITAN CITY; URBAN COUNTY;
15 NONENTITLEMENT AREA.—The terms ‘metropolitan
16 city’, ‘urban county’, and ‘nonentitlement area’ have
17 the meanings given such terms in section 102(a) of
18 the Housing and Community Development Act of
19 1974 (42 U.S.C. 5302(a)).

20 “(12) NEW.—The term ‘new’ means, with re-
21 spect to housing, that no assistance has been pro-
22 vided under this title for the housing.

23 “(13) OPERATING COSTS.—The term ‘operating
24 costs’ means expenses incurred by a project sponsor

1 operating transitional housing or permanent housing
2 under this title with respect to—

3 “(A) the administration, maintenance, re-
4 pair, and security of such housing;

5 “(B) utilities, fuel, furnishings, and equip-
6 ment for such housing; or

7 “(C) coordination of services as needed to
8 ensure long-term housing stability.

9 “(14) OUTPATIENT HEALTH SERVICES.—The
10 term ‘outpatient health services’ means outpatient
11 health care services, mental health services, and out-
12 patient substance abuse services.

13 “(15) PERMANENT HOUSING.—The term ‘per-
14 manent housing’ means community-based housing
15 without a designated length of stay, and includes
16 both permanent supportive housing and permanent
17 housing without supportive services.

18 “(16) PERSONALLY IDENTIFYING INFORMA-
19 TION.—The term ‘personally identifying information’
20 means individually identifying information for or
21 about an individual, including information likely to
22 disclose the location of a victim of domestic violence,
23 dating violence, sexual assault, or stalking, includ-
24 ing—

25 “(A) a first and last name;

1 “(B) a home or other physical address;

2 “(C) contact information (including a post-
3 al, e-mail or Internet protocol address, or tele-
4 phone or facsimile number);

5 “(D) a social security number; and

6 “(E) any other information, including date
7 of birth, racial or ethnic background, or reli-
8 gious affiliation, that, in combination with any
9 other non-personally identifying information,
10 would serve to identify any individual.

11 “(17) PRIVATE NONPROFIT ORGANIZATION.—

12 The term ‘private nonprofit organization’ means an
13 organization—

14 “(A) no part of the net earnings of which
15 inures to the benefit of any member, founder,
16 contributor, or individual;

17 “(B) that has a voluntary board;

18 “(C) that has an accounting system, or has
19 designated a fiscal agent in accordance with re-
20 quirements established by the Secretary; and

21 “(D) that practices nondiscrimination in
22 the provision of assistance.

23 “(18) PROJECT.—The term ‘project’ means,
24 with respect to activities carried out under subtitle
25 C, eligible activities described in section 423(a), un-

1 dertaken pursuant to a specific endeavor, such as
2 serving a particular population or providing a par-
3 ticular resource.

4 “(19) PROJECT-BASED.—The term ‘project-
5 based’ means, with respect to rental assistance, that
6 the assistance is provided pursuant to a contract
7 that—

8 “(A) is between—

9 “(i) the recipient or a project sponsor;

10 and

11 “(ii) an owner of a structure that ex-
12 ists as of the date the contract is entered
13 into; and

14 “(B) provides that rental assistance pay-
15 ments shall be made to the owner and that the
16 units in the structure shall be occupied by eligi-
17 ble persons for not less than the term of the
18 contract.

19 “(20) PROJECT SPONSOR.—The term ‘project
20 sponsor’ means, with respect to proposed eligible ac-
21 tivities, the organization directly responsible for car-
22 rying out the proposed eligible activities.

23 “(21) RECIPIENT.—Except as used in subtitle
24 B, the term ‘recipient’ means an eligible entity
25 who—

1 “(A) submits an application for a grant
2 under section 422 that is approved by the Sec-
3 retary;

4 “(B) receives the grant directly from the
5 Secretary to support approved projects de-
6 scribed in the application; and

7 “(C)(i) serves as a project sponsor for the
8 projects; or

9 “(ii) awards the funds to project sponsors
10 to carry out the projects.

11 “(22) SECRETARY.—The term ‘Secretary’
12 means the Secretary of Housing and Urban Develop-
13 ment.

14 “(23) SERIOUS MENTAL ILLNESS.—The term
15 ‘serious mental illness’ means a severe and per-
16 sistent mental illness or emotional impairment that
17 seriously limits a person’s ability to live independ-
18 ently.

19 “(24) SOLO APPLICANT.—The term ‘solo appli-
20 cant’ means an entity that is an eligible entity, di-
21 rectly submits an application for a grant under sub-
22 title C to the Secretary, and, if awarded such grant,
23 receives such grant directly from the Secretary.

24 “(25) SPONSOR-BASED.—The term ‘sponsor-
25 based’ means, with respect to rental assistance, that

1 the assistance is provided pursuant to a contract
2 that—

3 “(A) is between—

4 “(i) the recipient or a project sponsor;

5 and

6 “(ii) an independent entity that—

7 “(I) is a private organization;

8 and

9 “(II) owns or leases dwelling
10 units; and

11 “(B) provides that rental assistance pay-
12 ments shall be made to the independent entity
13 and that eligible persons shall occupy such as-
14 sisted units.

15 “(26) STATE.—Except as used in subtitle B,
16 the term ‘State’ means each of the several States,
17 the District of Columbia, the Commonwealth of
18 Puerto Rico, the United States Virgin Islands,
19 Guam, American Samoa, the Commonwealth of the
20 Northern Mariana Islands, the Trust Territory of
21 the Pacific Islands, and any other territory or pos-
22 session of the United States.

23 “(27) SUPPORTIVE SERVICES.—The term ‘sup-
24 portive services’ means services that address the spe-
25 cial needs of people served by a project, including—

1 “(A) the establishment and operation of a
2 child care services program for families experi-
3 encing homelessness;

4 “(B) the establishment and operation of an
5 employment assistance program, including pro-
6 viding job training;

7 “(C) the provision of outpatient health
8 services, food, and case management;

9 “(D) the provision of assistance in obtain-
10 ing permanent housing, employment counseling,
11 and nutritional counseling;

12 “(E) the provision of outreach services, ad-
13 vocacy, life skills training, and housing search
14 and counseling services;

15 “(F) the provision of mental health serv-
16 ices, trauma counseling, and victim services;

17 “(G) the provision of assistance in obtain-
18 ing other Federal, State, and local assistance
19 available for residents of supportive housing
20 (including mental health benefits, employment
21 counseling, and medical assistance, but not in-
22 cluding major medical equipment);

23 “(H) the provision of legal services for
24 purposes including requesting reconsiderations
25 and appeals of veterans and public benefit claim

1 denials and resolving outstanding warrants that
2 interfere with an individual’s ability to obtain
3 and retain housing;

4 “(I) the provision of—

5 “(i) transportation services that facili-
6 tate an individual’s ability to obtain and
7 maintain employment; and

8 “(ii) health care; and

9 “(J) other supportive services necessary to
10 obtain and maintain housing.

11 “(28) TENANT-BASED.—The term ‘tenant-
12 based’ means, with respect to rental assistance, as-
13 sistance that—

14 “(A) allows an eligible person to select a
15 housing unit in which such person will live
16 using rental assistance provided under subtitle
17 C, except that if necessary to assure that the
18 provision of supportive services to a person par-
19 ticipating in a program is feasible, a recipient
20 or project sponsor may require that the person
21 live—

22 “(i) in a particular structure or unit
23 for not more than the first year of the par-
24 ticipation;

1 “(ii) within a particular geographic
2 area for the full period of the participation,
3 or the period remaining after the period
4 referred to in subparagraph (A); and

5 “(B) provides that a person may receive
6 such assistance and move to another structure,
7 unit, or geographic area if the person has com-
8 plied with all other obligations of the program
9 and has moved out of the assisted dwelling unit
10 in order to protect the health or safety of an in-
11 dividual who is or has been the victim of domes-
12 tic violence, dating violence, sexual assault, or
13 stalking, and who reasonably believed he or she
14 was imminently threatened by harm from fur-
15 ther violence if he or she remained in the as-
16 sisted dwelling unit.

17 “(29) TRANSITIONAL HOUSING.—The term
18 ‘transitional housing’ means housing the purpose of
19 which is to facilitate the movement of individuals
20 and families experiencing homelessness to permanent
21 housing within 24 months or such longer period as
22 the Secretary determines necessary.

23 “(30) UNIFIED FUNDING AGENCY.—The term
24 ‘unified funding agency’ means a collaborative appli-

1 cant that performs the duties described in section
2 402(g).

3 “(31) UNDERSERVED POPULATIONS.—The
4 term ‘underserved populations’ includes populations
5 underserved because of geographic location, under-
6 served racial and ethnic populations, populations un-
7 derserved because of special needs (such as language
8 barriers, disabilities, alienage status, or age), and
9 any other population determined to be underserved
10 by the Secretary, as appropriate.

11 “(32) VICTIM SERVICE PROVIDER.—The term
12 ‘victim service provider’ means a private nonprofit
13 organization whose primary mission is to provide
14 services to victims of domestic violence, dating vio-
15 lence, sexual assault, or stalking. Such term includes
16 rape crisis centers, battered women’s shelters, do-
17 mestic violence transitional housing programs, and
18 other programs.

19 “(33) VICTIM SERVICES.—The term ‘victim
20 services’ means services that assist domestic vio-
21 lence, dating violence, sexual assault, or stalking vic-
22 tims, including services offered by rape crisis centers
23 and domestic violence shelters, and other organiza-
24 tions, with a documented history of effective work

1 concerning domestic violence, dating violence, sexual
2 assault, or stalking.”.

3 **SEC. 102. COMMUNITY HOMELESS ASSISTANCE PLANNING**
4 **BOARDS.**

5 Subtitle A of title IV of the McKinney-Vento Home-
6 less Assistance Act (42 U.S.C. 11361 et seq.) is amended
7 by inserting after section 401 (as added by section 101(3)
8 of this Act) the following new section:

9 **“SEC. 402. COLLABORATIVE APPLICANTS.**

10 “(a) ESTABLISHMENT AND DESIGNATION.—A col-
11 laborative applicant shall be established for a geographic
12 area by the relevant parties in that geographic area to—

13 “(1) submit an application for amounts under
14 this subtitle; and

15 “(2) perform the duties specified in subsection
16 (f) and, if applicable, subsection (g).

17 “(b) NO REQUIREMENT TO BE A LEGAL ENTITY.—
18 An entity may be established to serve as a collaborative
19 applicant under this section without being a legal entity.

20 “(c) REMEDIAL ACTION.—If the Secretary finds that
21 a collaborative applicant for a geographic area does not
22 meet the requirements of this section, or if there is no
23 collaborative applicant for a geographic area, the Sec-
24 retary may take remedial action to ensure fair distribution
25 of grant amounts under subtitle C to eligible entities with-

1 in that area. Such measures may include designating an-
2 other body as a collaborative applicant, or permitting
3 other eligible entities to apply directly for grants.

4 “(d) CONSTRUCTION.—Nothing in this section shall
5 be construed to displace conflict of interest or government
6 fair practices laws, or their equivalent, that govern appli-
7 cants for grant amounts under subtitles B and C.

8 “(e) APPOINTMENT OF AGENT.—

9 “(1) IN GENERAL.—Subject to paragraph (2), a
10 collaborative applicant may designate an agent to—

11 “(A) apply for a grant under section
12 422(c);

13 “(B) receive and distribute grant funds
14 awarded under subtitle C; and

15 “(C) perform other administrative duties.

16 “(2) RETENTION OF DUTIES.—Any collabo-
17 rative applicant that designates an agent pursuant
18 to paragraph (1) shall regardless of such designation
19 retain all of its duties and responsibilities under this
20 title.

21 “(f) DUTIES.—A collaborative applicant shall—

22 “(1) design a collaborative process for the de-
23 velopment of an application under subtitle C, and
24 for evaluating the outcomes of projects for which
25 funds are awarded under subtitle B, in such a man-

1 ner as to provide information necessary for the Sec-
2 retary—

3 “(A) to determine compliance with—

4 “(i) the program requirements under
5 section 426; and

6 “(ii) the selection criteria described
7 under section 427; and

8 “(B) to establish priorities for funding
9 projects in the geographic area involved;

10 “(2) participate in the Consolidated Plan for
11 the geographic area served by the collaborative ap-
12 plicant; and

13 “(3) ensure operation of, and consistent partici-
14 pation by, project sponsors in a community-wide
15 homeless management information system (in this
16 subsection referred to as ‘HMIS’) that—

17 “(A) collects unduplicated counts of indi-
18 viduals and families experiencing homelessness;

19 “(B) analyzes patterns of use of assistance
20 provided under subtitles B and C for the geo-
21 graphic area involved;

22 “(C) provides information to project spon-
23 sors and applicants for needs analyses and
24 funding priorities; and

1 “(D) is developed in accordance with
2 standards established by the Secretary, includ-
3 ing standards that provide for—

4 “(i) encryption of data collected for
5 purposes of HMIS;

6 “(ii) documentation, including keeping
7 an accurate accounting, proper usage, and
8 disclosure, of HMIS data;

9 “(iii) access to HMIS data by staff,
10 contractors, law enforcement, and aca-
11 demic researchers;

12 “(iv) rights of persons receiving serv-
13 ices under this title;

14 “(v) criminal and civil penalties for
15 unlawful disclosure of data; and

16 “(vi) such other standards as may be
17 determined necessary by the Secretary.

18 “(g) UNIFIED FUNDING.—

19 “(1) IN GENERAL.—In addition to the duties
20 described in subsection (f), a collaborative applicant
21 shall receive from the Secretary and distribute to
22 other project sponsors in the applicable geographic
23 area funds for projects to be carried out by such
24 other project sponsors, if—

25 “(A) the collaborative applicant—

1 “(i) applies to undertake such collec-
2 tion and distribution responsibilities in an
3 application submitted under this subtitle;
4 and

5 “(ii) is selected to perform such re-
6 sponsibilities by the Secretary; or

7 “(B) the Secretary designates the collabo-
8 rative applicant as the unified funding agency
9 in the geographic area, after—

10 “(i) a finding by the Secretary that
11 the applicant—

12 “(I) has the capacity to perform
13 such responsibilities; and

14 “(II) would serve the purposes of
15 this Act as they apply to the geo-
16 graphic area; and

17 “(ii) the Secretary provides the col-
18 laborative applicant with the technical as-
19 sistance necessary to perform such respon-
20 sibilities as such assistance is agreed to by
21 the collaborative applicant.

22 “(2) REQUIRED ACTIONS BY A UNIFIED FUND-
23 ING AGENCY.—A collaborative applicant that is ei-
24 ther selected or designated as a unified funding

1 agency for a geographic area under paragraph (1)
2 shall—

3 “(A) require each project sponsor who is
4 funded by a grant received under subtitle C to
5 establish such fiscal control and fund account-
6 ing procedures as may be necessary to assure
7 the proper disbursement of, and accounting for,
8 Federal funds awarded to the project sponsor
9 under subtitle C in order to ensure that all fi-
10 nancial transactions carried out under subtitle
11 C are conducted, and records maintained, in ac-
12 cordance with generally accepted accounting
13 principles; and

14 “(B) arrange for an annual survey, audit,
15 or evaluation of the financial records of each
16 project carried out by a project sponsor funded
17 by a grant received under subtitle C.

18 “(h) CONFLICT OF INTEREST.—No board member of
19 a collaborative applicant may participate in decisions of
20 the collaborative applicant concerning the award of a
21 grant, or provision of other financial benefits, to such
22 member or the organization that such member rep-
23 resents.”.

1 **SEC. 103. GENERAL PROVISIONS.**

2 Subtitle A of the McKinney-Vento Homeless Assist-
3 ance Act (42 U.S.C. 11361 et seq.) is amended by insert-
4 ing after section 403 (as so redesignated by section 101(2)
5 of this Act) the following new sections:

6 **“SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARA-**
7 **TION.**

8 “(a) IN GENERAL.—After the expiration of the 2-
9 year period that begins upon the date of the enactment
10 of the Homeless Emergency Assistance and Rapid Transi-
11 tion to Housing Act of 2008, and except as provided in
12 subsection (b), any project sponsor receiving funds under
13 this title to provide emergency shelter, transitional hous-
14 ing, or permanent housing to families with children under
15 age 18 shall not deny admission to any family based on
16 the age of any child under age 18.

17 “(b) EXCEPTION.—Notwithstanding the requirement
18 under subsection (a), project sponsors of transitional
19 housing receiving funds under this title may target transi-
20 tional housing resources to families with children of a spe-
21 cific age only if the project sponsor—

22 “(1) operates a transitional housing program
23 that has a primary purpose of implementing an evi-
24 dence-based practice that requires that housing units
25 be targeted to families with children in a specific age
26 group; and

1 “(2) provides such assurances, as the Secretary
2 shall require, that an equivalent appropriate alter-
3 native living arrangement for the whole family or
4 household unit has been secured.

5 **“SEC. 405. TECHNICAL ASSISTANCE.**

6 “(a) IN GENERAL.—The Secretary shall make avail-
7 able technical assistance to private nonprofit organizations
8 and other nongovernmental entities, States, metropolitan
9 cities, urban counties, and counties that are not urban
10 counties, to implement effective planning processes for
11 preventing and ending homelessness, to improve their ca-
12 pacity to prepare collaborative applications, to prevent the
13 separation of families in emergency shelter or other hous-
14 ing programs, and to adopt and provide best practices in
15 housing and services for persons experiencing homeless.

16 “(b) RESERVATION.—The Secretary shall reserve not
17 more than 1 percent of the funds made available for any
18 fiscal year for carrying out subtitles B and C, to provide
19 technical assistance under subsection (a).”.

20 **SEC. 104. PROTECTION OF PERSONALLY IDENTIFYING IN-**
21 **FORMATION BY VICTIM SERVICE PROVIDERS.**

22 Subtitle A of the McKinney-Vento Homeless Assist-
23 ance Act (42 U.S.C. 11361 et seq.), as amended by the
24 preceding provisions of this title, is further amended by
25 adding at the end the following new section:

1 **“SEC. 407. PROTECTION OF PERSONALLY IDENTIFYING IN-**
2 **FORMATION BY VICTIM SERVICE PROVIDERS.**

3 “In the course of awarding grants or implementing
4 programs under this title, the Secretary shall instruct any
5 victim service provider that is a recipient or subgrantee
6 not to disclose for purposes of the Homeless Management
7 Information System any personally identifying informa-
8 tion about any client. The Secretary may, after public no-
9 tice and comment, require or ask such recipients and sub-
10 grantees to disclose for purposes of the Homeless Manage-
11 ment Information System non-personally identifying infor-
12 mation that has been de-identified, encrypted, or otherwise
13 encoded. Nothing in this section shall be construed to su-
14 persede any provision of any Federal, State, or local law
15 that provides greater protection than this subsection for
16 victims of domestic violence, dating violence, sexual as-
17 sault, or stalking.”.

18 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

19 Subtitle A of the McKinney-Vento Homeless Assist-
20 ance Act (42 U.S.C. 11361 et seq.), as amended by the
21 preceding provisions of this title, is further amended by
22 adding at the end the following new section:

23 **“SEC. 408. AUTHORIZATION OF APPROPRIATIONS.**

24 “There are authorized to be appropriated to carry out
25 this title \$2,200,000,000 for fiscal year 2009 and such
26 sums as may be necessary for fiscal year 2010.”.

1 **TITLE II—EMERGENCY**
2 **SOLUTIONS GRANTS PROGRAM**

3 **SEC. 201. GRANT ASSISTANCE.**

4 Subtitle B of title IV of the McKinney-Vento Home-
5 less Assistance Act (42 U.S.C. 11371 et seq.) is amend-
6 ed—

7 (1) by striking the subtitle heading and insert-
8 ing the following:

9 **“Subtitle B—Emergency Solutions**
10 **Grants Program”;**

11 (2) by striking section 417 (42 U.S.C. 11377);

12 (3) by redesignating sections 413 through 416
13 (42 U.S.C. 11373–6) as sections 414 through 417,
14 respectively; and

15 (4) by striking section 412 (42 U.S.C. 11372)

16 and inserting the following:

17 **“SEC. 412. GRANT ASSISTANCE.**

18 “‘The Secretary shall make grants to States and local
19 governments (and to private nonprofit organizations pro-
20 viding assistance to persons experiencing homelessness or
21 at risk of homelessness, in the case of grants made with
22 reallocated amounts) for the purpose of carrying out ac-
23 tivities described in section 415.

1 **“SEC. 413. AMOUNT AND ALLOCATION OF ASSISTANCE.**

2 “(a) IN GENERAL.—Of the amount made available
3 to carry out this subtitle and subtitle C for a fiscal year,
4 the Secretary shall allocate nationally 20 percent of such
5 amount for activities described in section 415. The Sec-
6 retary shall be required to certify that such allocation will
7 not adversely affect the renewal of existing projects under
8 this subtitle and subtitle C for those individuals or families
9 who are homeless.

10 “(b) ALLOCATION.—An entity that receives a grant
11 under section 412, and serves an area that includes 1 or
12 more geographic areas (or portions of such areas) served
13 by collaborative applicants that submit applications under
14 subtitle C, shall allocate the funds made available through
15 the grant to carry out activities described in section 415,
16 in consultation with the collaborative applicants.”; and

17 (5) in section 414(b) (42 U.S.C. 11373(b)), as
18 so redesignated by paragraph (3) of this section, by
19 striking “amounts appropriated” and all that follows
20 through “for any” and inserting “amounts appro-
21 priated under section 408 and made available to
22 carry out this subtitle for any”.

23 **SEC. 202. ELIGIBLE ACTIVITIES.**

24 The McKinney-Vento Homeless Assistance Act is
25 amended by striking section 415 (42 U.S.C. 11374), as

1 so redesignated by section 201(3) of this Act, and insert-
2 ing the following new section:

3 **“SEC. 415. ELIGIBLE ACTIVITIES.**

4 “(a) IN GENERAL.—Assistance provided under sec-
5 tion 412 may be used for the following activities:

6 “(1) The renovation, major rehabilitation, or
7 conversion of buildings to be used as emergency
8 shelters.

9 “(2) The provision of essential services related
10 to emergency shelter or street outreach, including
11 services concerned with employment, health, edu-
12 cation, family support services for homeless youth,
13 substance abuse services, victim services, or mental
14 health services, if—

15 “(A) such essential services have not been
16 provided by the local government during any
17 part of the immediately preceding 12-month pe-
18 riod or the Secretary determines that the local
19 government is in a severe financial deficit; or

20 “(B) the use of assistance under this sub-
21 title would complement the provision of those
22 essential services.

23 “(3) Maintenance, operation, insurance, provi-
24 sion of utilities, and provision of furnishings related
25 to emergency shelter.

1 “(4) Provision of rental assistance to provide
2 short-term or medium-term housing to homeless in-
3 dividuals or families or individuals or families at risk
4 of homelessness. Such rental assistance may include
5 tenant-based or project-based rental assistance.

6 “(5) Housing relocation or stabilization services
7 for homeless individuals or families or individuals or
8 families at risk of homelessness, including housing
9 search, mediation or outreach to property owners,
10 legal services, credit repair, providing security or
11 utility deposits, utility payments, rental assistance
12 for a final month at a location, assistance with mov-
13 ing costs, or other activities that are effective at—

14 “(A) stabilizing individuals and families in
15 their current housing; or

16 “(B) quickly moving such individuals and
17 families to other permanent housing.

18 “(b) MAXIMUM ALLOCATION FOR EMERGENCY
19 SHELTER ACTIVITIES.—A grantee of assistance provided
20 under section 412 for any fiscal year may not use an
21 amount of such assistance for activities described in para-
22 graphs (1) through (3) of subsection (a) that exceeds the
23 greater of—

1 “(1) 60 percent of the aggregate amount of
2 such assistance provided for the grantee for such fis-
3 cal year; or

4 “(2) the amount expended by such grantee for
5 such activities during fiscal year most recently com-
6 pleted before the effective date under section 503 of
7 the Homeless Emergency Assistance and Rapid
8 Transition to Housing Act of 2008.”.

9 **SEC. 203. PARTICIPATION IN HOMELESS MANAGEMENT IN-**
10 **FORMATION SYSTEM.**

11 Section 416 of the McKinney-Vento Homeless Assist-
12 ance Act (42 U.S.C. 11375), as so redesignated by section
13 201(3) of this Act, is amended by adding at the end the
14 following new subsection:

15 “(f) PARTICIPATION IN HMIS.—The Secretary shall
16 ensure that recipients of funds under this subtitle ensure
17 the consistent participation by emergency shelters and
18 homelessness prevention and rehousing programs in any
19 applicable community-wide homeless management infor-
20 mation system.”.

21 **TITLE III—CONTINUUM OF CARE**
22 **PROGRAM**

23 **SEC. 301. CONTINUUM OF CARE.**

24 The McKinney-Vento Homeless Assistance Act is
25 amended—

1 (1) by striking the subtitle heading for subtitle
2 C of title IV (42 U.S.C. 11381 et seq.) and inserting
3 the following:

4 **“Subtitle C—Continuum of Care**
5 **Program”;** and

6 (2) by striking sections 421 and 422 (42 U.S.C.
7 11381 and 11382) and inserting the following new
8 sections:

9 **“SEC. 421. PURPOSES.**

10 “The purposes of this subtitle are—

11 “(1) to promote community-wide commitment
12 to the goal of ending homelessness;

13 “(2) to provide funding for efforts by nonprofit
14 providers and State and local governments to quickly
15 rehouse homeless individuals and families while
16 minimizing the trauma and dislocation caused to in-
17 dividuals, families, and communities by homeless-
18 ness;

19 “(3) to promote access to, and effective utiliza-
20 tion of, mainstream programs described in section
21 203(a)(7) and programs funded with State or local
22 resources; and

23 “(4) to optimize self-sufficiency among individ-
24 uals and families experiencing homelessness.

1 **“SEC. 422. CONTINUUM OF CARE APPLICATIONS AND**
2 **GRANTS.**

3 “(a) **PROJECTS.**—The Secretary shall award grants,
4 on a competitive basis, and using the selection criteria de-
5 scribed in section 427, to carry out eligible activities under
6 this subtitle for projects that meet the program require-
7 ments under section 426, either by directly awarding
8 funds to project sponsors or by awarding funds to unified
9 funding agencies.

10 “(b) **NOTIFICATION OF FUNDING AVAILABILITY.**—
11 The Secretary shall release a notification of funding avail-
12 ability for grants awarded under this subtitle for a fiscal
13 year not later than 3 months after the date of the enact-
14 ment of the appropriate Act making appropriations for the
15 Department of Housing and Urban Development for such
16 fiscal year.

17 “(c) **APPLICATIONS.**—

18 “(1) **SUBMISSION TO THE SECRETARY.**—To be
19 eligible to receive a grant under subsection (a), a
20 project sponsor or unified funding agency in a geo-
21 graphic area shall submit an application to the Sec-
22 retary at such time and in such manner as the Sec-
23 retary may require, and containing such information
24 as the Secretary determines necessary—

1 “(A) to determine compliance with the pro-
2 gram requirements and selection criteria under
3 this subtitle; and

4 “(B) to establish priorities for funding
5 projects in the geographic area.

6 “(2) ANNOUNCEMENT OF AWARDS.—

7 “(A) IN GENERAL.—Except as provided in
8 subparagraph (B), the Secretary shall an-
9 nounce, within 5 months after the last date for
10 the submission of applications described in this
11 subsection for a fiscal year, the grants condi-
12 tionally awarded under subsection (a) for that
13 fiscal year.

14 “(B) TRANSITION.—For a period of up to
15 2 years beginning after the effective date under
16 section 503 of the Homeless Emergency Assist-
17 ance and Rapid Transition to Housing Act of
18 2008, the Secretary shall announce, within 6
19 months after the last date for the submission of
20 applications described in this subsection for a
21 fiscal year, the grants conditionally awarded
22 under subsection (a) for that fiscal year.

23 “(d) OBLIGATION, DISTRIBUTION, AND UTILIZATION
24 OF FUNDS.—

25 “(1) REQUIREMENTS FOR OBLIGATION.—

1 “(A) IN GENERAL.—Not later than 9
2 months after the announcement referred to in
3 subsection (c)(2), each recipient or project
4 sponsor shall meet all requirements for the obli-
5 gation of those funds, including site control,
6 matching funds, and environmental review re-
7 quirements, except as provided in subpara-
8 graphs (B) and (C).

9 “(B) ACQUISITION, REHABILITATION, OR
10 CONSTRUCTION.—Not later than 24 months
11 after the announcement referred to in sub-
12 section (c)(2), each recipient or project sponsor
13 seeking the obligation of funds for acquisition
14 of housing, rehabilitation of housing, or con-
15 struction of new housing for a grant announced
16 under subsection (c)(2) shall meet all require-
17 ments for the obligation of those funds, includ-
18 ing site control, matching funds, and environ-
19 mental review requirements.

20 “(C) EXTENSIONS.—At the discretion of
21 the Secretary, and in compelling circumstances,
22 the Secretary may extend the date by which a
23 recipient or project sponsor shall meet the re-
24 quirements described in subparagraphs (A) and
25 (B) if the Secretary determines that compliance

1 with the requirements was delayed due to fac-
2 tors beyond the reasonable control of the recipi-
3 ent or project sponsor. Such factors may in-
4 clude difficulties in obtaining site control for a
5 proposed project, completing the process of ob-
6 taining secure financing for the project, obtain-
7 ing approvals from State or local governments,
8 or completing the technical submission require-
9 ments for the project.

10 “(2) OBLIGATION.—Not later than 45 days
11 after a recipient or project sponsor meets the re-
12 quirements described in paragraph (1), the Sec-
13 retary shall obligate the funds for the grant involved.

14 “(3) DISTRIBUTION.—A recipient that receives
15 funds through such a grant—

16 “(A) shall distribute the funds to project
17 sponsors (in advance of expenditures by the
18 project sponsors); and

19 “(B) shall distribute the appropriate por-
20 tion of the funds to a project sponsor not later
21 than 45 days after receiving a request for such
22 distribution from the project sponsor.

23 “(4) EXPENDITURE OF FUNDS.—The Secretary
24 may establish a date by which funds made available
25 through a grant announced under subsection (c)(2)

1 for a homeless assistance project shall be entirely ex-
2 pended by the recipient or project sponsors involved.
3 The date established under this paragraph shall not
4 occur before the expiration of the 24-month period
5 beginning on the date that funds are obligated for
6 activities described under paragraphs (1) or (2) of
7 section 423(a). The Secretary shall recapture the
8 funds not expended by such date. The Secretary
9 shall reallocate the funds for another homeless as-
10 sistance and prevention project that meets the re-
11 quirements of this subtitle to be carried out, if pos-
12 sible and appropriate, in the same geographic area
13 as the area served through the original grant.

14 “(e) RENEWAL FUNDING FOR UNSUCCESSFUL AP-
15 PPLICANTS.—The Secretary may renew funding for a spe-
16 cific project previously funded under this subtitle that the
17 Secretary determines meets the purposes of this subtitle,
18 and was included as part of a total application that met
19 the criteria of subsection (c), even if the application was
20 not selected to receive grant assistance. The Secretary
21 may renew the funding for a period of not more than 1
22 year, and under such conditions as the Secretary deter-
23 mines to be appropriate.

24 “(f) CONSIDERATIONS IN DETERMINING RENEWAL
25 FUNDING.—When providing renewal funding for leasing,

1 operating costs, or rental assistance for permanent hous-
2 ing, the Secretary shall make adjustments proportional to
3 increases in the fair market rents in the geographic area.

4 “(g) MORE THAN ONE APPLICATION FOR A GEO-
5 GRAPHIC AREA.—If more than one collaborative applicant
6 applies for funds for a geographic area, the Secretary shall
7 award funds to the collaborative applicant with the highest
8 score based on the selection criteria set forth in section
9 427.

10 “(h) APPEALS.—

11 “(1) IN GENERAL.—The Secretary shall estab-
12 lish a timely appeal procedure for grant amounts
13 awarded or denied under this subtitle pursuant to a
14 collaborative application or solo application for fund-
15 ing.

16 “(2) PROCESS.—The Secretary shall ensure
17 that the procedure permits appeals submitted by en-
18 tities carrying out homeless housing and services
19 projects (including emergency shelters and homeless-
20 ness prevention programs), and all other applicants
21 under this subtitle.

22 “(i) SOLO APPLICANTS.—A solo applicant may sub-
23 mit an application to the Secretary for a grant under sub-
24 section (a) and be awarded such grant on the same basis
25 as such grants are awarded to other applicants based on

1 the criteria described in section 427, but only if the Sec-
2 retary determines that the solo applicant has attempted
3 to participate in the continuum of care process but was
4 not permitted to participate in a reasonable manner. The
5 Secretary may award such grants directly to such appli-
6 cants in a manner determined to be appropriate by the
7 Secretary.

8 “(j) FLEXIBILITY TO SERVE PERSONS DEFINED AS
9 HOMELESS UNDER OTHER FEDERAL LAWS.—

10 “(1) IN GENERAL.—A collaborative applicant
11 may use not more than 10 percent of funds awarded
12 under this subtitle (continuum of care funding) for
13 any of the types of eligible activities specified in
14 paragraphs (1) through (7) of section 423(a) to
15 serve families with children and youth defined as
16 homeless under other Federal statutes, or homeless
17 families with children and youth defined as homeless
18 under section 103(a)(6), but only if the applicant
19 demonstrates that the use of such funds is of an
20 equal or greater priority or is equally or more cost
21 effective in meeting the overall goals and objectives
22 of the plan submitted under section 427(b)(1)(B),
23 especially with respect to children and unaccom-
24 panied youth.

1 “(2) LIMITATIONS.—The 10 percent limitation
2 under paragraph (1) shall not apply to collaborative
3 applicants in which the rate of homelessness, as cal-
4 culated in the most recent point in time count, is
5 less than one-tenth of 1 percent of total population.

6 “(3) TREATMENT OF CERTAIN POPULATIONS.—

7 “(A) IN GENERAL.—Notwithstanding sec-
8 tion 103(a) and subject to subparagraph (B),
9 funds awarded under this subtitle may be used
10 for eligible activities to serve unaccompanied
11 youth and homeless families and children de-
12 fined as homeless under section 103(a)(6) only
13 pursuant to paragraph (1) of this subsection
14 and such families and children shall not other-
15 wise be considered as homeless for purposes of
16 this subtitle.

17 “(B) AT RISK OF HOMELESSNESS.—Sub-
18 paragraph (A) may not be construed to prevent
19 any unaccompanied youth and homeless families
20 and children defined as homeless under section
21 103(a)(6) from qualifying for, and being treat-
22 ed for purposes of this subtitle as, at risk of
23 homelessness or from eligibility for any
24 projects, activities, or services carried out using
25 amounts provided under this subtitle for which

1 individuals or families that are at risk of home-
2 lessness are eligible.”.

3 **SEC. 302. ELIGIBLE ACTIVITIES.**

4 The McKinney-Vento Homeless Assistance Act is
5 amended by striking section 423 (42 U.S.C. 11383) and
6 inserting the following new section:

7 **“SEC. 423. ELIGIBLE ACTIVITIES.**

8 “(a) IN GENERAL.—Grants awarded under section
9 422 to qualified applicants shall be used to carry out
10 projects that serve homeless individuals or families that
11 consist of one or more of the following eligible activities:

12 “(1) Construction of new housing units to pro-
13 vide transitional or permanent housing.

14 “(2) Acquisition or rehabilitation of a structure
15 to provide transitional or permanent housing, other
16 than emergency shelter, or to provide supportive
17 services.

18 “(3) Leasing of property, or portions of prop-
19 erty, not owned by the recipient or project sponsor
20 involved, for use in providing transitional or perma-
21 nent housing, or providing supportive services.

22 “(4) Provision of rental assistance to provide
23 transitional or permanent housing to eligible per-
24 sons. The rental assistance may include tenant-
25 based, project-based, or sponsor-based rental assist-

1 ance. Project-based rental assistance, sponsor-based
2 rental assistance, and operating cost assistance con-
3 tracts carried out by project sponsors receiving
4 grants under this section may, at the discretion of
5 the applicant and the project sponsor, have an initial
6 term of 15 years, with assistance for the first 5
7 years paid with funds authorized for appropriation
8 under this Act, and assistance for the remainder of
9 the term treated as a renewal of an expiring con-
10 tract as provided in section 429. Project-based rent-
11 al assistance may include rental assistance to pre-
12 serve existing permanent supportive housing for
13 homeless individuals and families.

14 “(5) Payment of operating costs for housing
15 units assisted under this subtitle or for the preserva-
16 tion of housing that will serve homeless individuals
17 and families and for which another form of assist-
18 ance is expiring or otherwise no longer available.

19 “(6) Supportive services for individuals and
20 families who are currently homeless, who have been
21 homeless in the prior 6 months but are currently re-
22 siding in permanent housing, or who were previously
23 homeless and are currently residing in permanent
24 supportive housing.

1 “(7) Provision of rehousing services, including
2 housing search, mediation or outreach to property
3 owners, credit repair, providing security or utility
4 deposits, rental assistance for a final month at a lo-
5 cation, assistance with moving costs, or other activi-
6 ties that—

7 “(A) are effective at moving homeless indi-
8 viduals and families immediately into housing;
9 or

10 “(B) may benefit individuals and families
11 who in the prior 6 months have been homeless,
12 but are currently residing in permanent hous-
13 ing.

14 “(8) In the case of a collaborative applicant
15 that is a legal entity, performance of the duties de-
16 scribed under section 402(f)(3).

17 “(9) Operation of, participation in, and ensur-
18 ing consistent participation by project sponsors in, a
19 community-wide homeless management information
20 system.

21 “(10) In the case of a collaborative applicant
22 that is a legal entity, payment of administrative
23 costs related to meeting the requirements described
24 in paragraphs (1) and (2) of section 402(f), for
25 which the collaborative applicant may use not more

1 than 3 percent of the total funds made available in
2 the geographic area under this subtitle for such
3 costs.

4 “(11) In the case of a collaborative applicant
5 that is a unified funding agency under section
6 402(g), payment of administrative costs related to
7 meeting the requirements of that section, for which
8 the unified funding agency may use not more than
9 3 percent of the total funds made available in the
10 geographic area under this subtitle for such costs, in
11 addition to funds used under paragraph (10).

12 “(12) Payment of administrative costs to
13 project sponsors, for which each project sponsor may
14 use not more than 10 percent of the total funds
15 made available to that project sponsor through this
16 subtitle for such costs.

17 “(b) MINIMUM GRANT TERMS.—The Secretary may
18 impose minimum grant terms of up to 5 years for new
19 projects providing permanent housing.

20 “(c) USE RESTRICTIONS.—

21 “(1) ACQUISITION, REHABILITATION, AND NEW
22 CONSTRUCTION.—A project that consists of activities
23 described in paragraph (1) or (2) of subsection (a)
24 shall be operated for the purpose specified in the ap-

1 plication submitted for the project under section 422
2 for not less than 15 years.

3 “(2) OTHER ACTIVITIES.—A project that con-
4 sists of activities described in any of paragraphs (3)
5 through (12) of subsection (a) shall be operated for
6 the purpose specified in the application submitted
7 for the project under section 422 for the duration of
8 the grant period involved.

9 “(3) CONVERSION.—If the recipient or project
10 sponsor carrying out a project that provides transi-
11 tional or permanent housing submits a request to
12 the Secretary to carry out instead a project for the
13 direct benefit of low-income persons, and the Sec-
14 retary determines that the initial project is no longer
15 needed to provide transitional or permanent housing,
16 the Secretary may approve the project described in
17 the request and authorize the recipient or project
18 sponsor to carry out that project.

19 “(d) REPAYMENT OF ASSISTANCE AND PREVENTION
20 OF UNDUE BENEFITS.—

21 “(1) REPAYMENT.—If a recipient or project
22 sponsor receives assistance under section 422 to
23 carry out a project that consists of activities de-
24 scribed in paragraph (1) or (2) of subsection (a) and

1 the project ceases to provide transitional or perma-
2 nent housing—

3 “(A) earlier than 10 years after operation
4 of the project begins, the Secretary shall re-
5 quire the recipient or project sponsor to repay
6 100 percent of the assistance; or

7 “(B) not earlier than 10 years, but earlier
8 than 15 years, after operation of the project be-
9 gins, the Secretary shall require the recipient or
10 project sponsor to repay 20 percent of the as-
11 sistance for each of the years in the 15-year pe-
12 riod for which the project fails to provide that
13 housing.

14 “(2) PREVENTION OF UNDUE BENEFITS.—Ex-
15 cept as provided in paragraph (3), if any property
16 is used for a project that receives assistance under
17 subsection (a) and consists of activities described in
18 paragraph (1) or (2) of subsection (a), and the sale
19 or other disposition of the property occurs before the
20 expiration of the 15-year period beginning on the
21 date that operation of the project begins, the recipi-
22 ent or project sponsor who received the assistance
23 shall comply with such terms and conditions as the
24 Secretary may prescribe to prevent the recipient or

1 project sponsor from unduly benefitting from such
2 sale or disposition.

3 “(3) EXCEPTION.—A recipient or project spon-
4 sor shall not be required to make the repayments,
5 and comply with the terms and conditions, required
6 under paragraph (1) or (2) if—

7 “(A) the sale or disposition of the property
8 used for the project results in the use of the
9 property for the direct benefit of very low-in-
10 come persons;

11 “(B) all of the proceeds of the sale or dis-
12 position are used to provide transitional or per-
13 manent housing meeting the requirements of
14 this subtitle;

15 “(C) project-based rental assistance or op-
16 erating cost assistance from any Federal pro-
17 gram or an equivalent State or local program is
18 no longer made available and the project is
19 meeting applicable performance standards, pro-
20 vided that the portion of the project that had
21 benefitted from such assistance continues to
22 meet the tenant income and rent restrictions for
23 low-income units under section 42(g) of the In-
24 ternal Revenue Code of 1986; or

1 “(D) there are no individuals and families
2 in the geographic area who are homeless, in
3 which case the project may serve individuals
4 and families at risk of homelessness.

5 “(e) STAFF TRAINING.—The Secretary may allow
6 reasonable costs associated with staff training to be in-
7 cluded as part of the activities described in subsection (a).

8 “(f) ELIGIBILITY FOR PERMANENT HOUSING.—Any
9 project that receives assistance under subsection (a) and
10 that provides project-based or sponsor-based permanent
11 housing for homeless individuals or families with a dis-
12 ability, including projects that meet the requirements of
13 subsection (a) and subsection (d)(2)(A) of section 428
14 may also serve individuals who had previously met the re-
15 quirements for such project prior to moving into a dif-
16 ferent permanent housing project.

17 “(g) ADMINISTRATION OF RENTAL ASSISTANCE.—
18 Provision of permanent housing rental assistance shall be
19 administered by a State, unit of general local government,
20 or public housing agency.”.

21 **SEC. 303. HIGH PERFORMING COMMUNITIES.**

22 The McKinney-Vento Homeless Assistance Act is
23 amended by striking section 424 (42 U.S.C. 11384) and
24 inserting the following:

1 **“SEC. 424. INCENTIVES FOR HIGH-PERFORMING COMMU-**
2 **NITIES.**

3 “(a) DESIGNATION AS A HIGH-PERFORMING COMMU-
4 NITY.—

5 “(1) IN GENERAL.—The Secretary shall des-
6 ignate, on an annual basis, which collaborative appli-
7 cants represent high-performing communities.

8 “(2) CONSIDERATION.—In determining whether
9 to designate a collaborative applicant as a high-per-
10 forming community under paragraph (1), the Sec-
11 retary shall establish criteria to ensure that the re-
12 quirements described under paragraphs (1)(B) and
13 (2)(B) of subsection (d) are measured by comparing
14 homeless individuals and families under similar cir-
15 cumstances, in order to encourage projects in the ge-
16 ographic area to serve homeless individuals and fam-
17 ilies with more severe barriers to housing stability.

18 “(3) 2-YEAR PHASE IN.—In each of the first 2
19 years after the effective date under section 503 of
20 the Homeless Emergency Assistance and Rapid
21 Transition to Housing Act of 2008, the Secretary
22 shall designate not more than ten collaborative ap-
23 plicants as high-performing communities.

24 “(4) EXCESS OF QUALIFIED APPLICANTS.—If,
25 during the 2-year period described under paragraph
26 (2), more than ten collaborative applicants could

1 qualify to be designated as high-performing commu-
2 nities, the Secretary shall designate the ten that
3 have, in the discretion of the Secretary, the best per-
4 formance based on the criteria described under sub-
5 section (d).

6 “(5) TIME LIMIT ON DESIGNATION.—The des-
7 ignation of any collaborative applicant as a high-per-
8 forming community under this subsection shall be
9 effective only for the year in which such designation
10 is made. The Secretary, on an annual basis, may
11 renew any such designation.

12 “(b) APPLICATION.—

13 “(1) IN GENERAL.—A collaborative applicant
14 seeking designation as a high-performing community
15 under subsection (a) shall submit an application to
16 the Secretary at such time, and in such manner as
17 the Secretary may require.

18 “(2) CONTENT OF APPLICATION.—In any appli-
19 cation submitted under paragraph (1), a collabo-
20 rative applicant shall include in such application—

21 “(A) a report showing how any money re-
22 ceived under this subtitle in the preceding year
23 was expended; and

1 “(B) information that such applicant can
2 meet the requirements described under sub-
3 section (d).

4 “(3) PUBLICATION OF APPLICATION.—The Sec-
5 retary shall—

6 “(A) publish any report or information
7 submitted in an application under this section
8 in the geographic area represented by the col-
9 laborative applicant; and

10 “(B) seek comments from the public as to
11 whether the collaborative applicant seeking des-
12 ignation as a high-performing community meets
13 the requirements described under subsection
14 (d).

15 “(c) USE OF FUNDS.—Funds awarded under section
16 422(a) to a project sponsor who is located in a high-per-
17 forming community may be used—

18 “(1) for any of the eligible activities described
19 in section 423; or

20 “(2) for any of the eligible activities described
21 in paragraphs (4) and (5) of section 415(a).

22 “(d) DEFINITION OF HIGH-PERFORMING COMMU-
23 NITY.—For purposes of this section, the term ‘high-per-
24 forming community’ means a geographic area that dem-

1 onstrates through reliable data that all five of the fol-
2 lowing requirements are met for that geographic area:

3 “(1) TERM OF HOMELESSNESS.—The mean
4 length of episodes of homelessness for that geo-
5 graphic area—

6 “(A) is less than 20 days; or

7 “(B) for individuals and families in similar
8 circumstances in the preceding year was at
9 least 10 percent less than in the year before.

10 “(2) FAMILIES LEAVING HOMELESSNESS.—Of
11 individuals and families—

12 “(A) who leave homelessness, fewer than 5
13 percent of such individuals and families become
14 homeless again at any time within the next 2
15 years; or

16 “(B) in similar circumstances who leave
17 homelessness, the percentage of such individ-
18 uals and families who become homeless again
19 within the next 2 years has decreased by at
20 least 20 percent from the preceding year.

21 “(3) COMMUNITY ACTION.—The communities
22 that compose the geographic area have—

23 “(A) actively encouraged homeless individ-
24 uals and families to participate in homeless as-

1 sistance services available in that geographic
2 area; and

3 “(B) included each homeless individual or
4 family who sought homeless assistance services
5 in the data system used by that community for
6 determining compliance with this subsection.

7 “(4) EFFECTIVENESS OF PREVIOUS ACTIVI-
8 TIES.—If recipients in the geographic area have
9 used funding awarded under section 422(a) for eligi-
10 ble activities described under section 415(a) in pre-
11 vious years based on the authority granted under
12 subsection (c), that such activities were effective at
13 reducing the number of individuals and families who
14 became homeless in that community.

15 “(5) FLEXIBILITY TO SERVE PERSONS DEFINED
16 AS HOMELESS UNDER OTHER FEDERAL LAWS.—
17 With respect to collaborative applicants exercising
18 the authority under section 422(j) to serve homeless
19 families with children and youth defined as homeless
20 under other Federal statutes, effectiveness in achiev-
21 ing the goals and outcomes identified in subsection
22 427(b)(1)(F) according to such standards as the
23 Secretary shall promulgate.

24 “(e) COOPERATION AMONG ENTITIES.—A collabo-
25 rative applicant designated as a high-performing commu-

1 nity under this section shall cooperate with the Secretary
2 in distributing information about successful efforts within
3 the geographic area represented by the collaborative appli-
4 cant to reduce homelessness.”.

5 **SEC. 304. PROGRAM REQUIREMENTS.**

6 Section 426 of the McKinney-Vento Homeless Assist-
7 ance Act (42 U.S.C. 11386) is amended—

8 (1) by striking subsections (a), (b), and (c) and
9 inserting the following:

10 “(a) **SITE CONTROL.**—The Secretary shall require
11 that each application include reasonable assurances that
12 the applicant will own or have control of a site for the
13 proposed project not later than the expiration of the 12-
14 month period beginning upon notification of an award for
15 grant assistance, unless the application proposes providing
16 supportive housing assistance under section 423(a)(3) or
17 housing that will eventually be owned or controlled by the
18 families and individuals served. An applicant may obtain
19 ownership or control of a suitable site different from the
20 site specified in the application. If any recipient or project
21 sponsor fails to obtain ownership or control of the site
22 within 12 months after notification of an award for grant
23 assistance, the grant shall be recaptured and reallocated
24 under this subtitle.

1 “(b) REQUIRED AGREEMENTS.—The Secretary may
2 not provide assistance for a proposed project under this
3 subtitle unless the collaborative applicant involved
4 agrees—

5 “(1) to ensure the operation of the project in
6 accordance with the provisions of this subtitle;

7 “(2) to monitor and report to the Secretary the
8 progress of the project;

9 “(3) to ensure, to the maximum extent prac-
10 ticable, that individuals and families experiencing
11 homelessness are involved, through employment, pro-
12 vision of volunteer services, or otherwise, in con-
13 structing, rehabilitating, maintaining, and operating
14 facilities for the project and in providing supportive
15 services for the project;

16 “(4) to require certification from all project
17 sponsors that—

18 “(A) they will maintain the confidentiality
19 of records pertaining to any individual or family
20 provided family violence prevention or treat-
21 ment services through the project;

22 “(B) that the address or location of any
23 family violence shelter project assisted under
24 this subtitle will not be made public, except

1 with written authorization of the person respon-
2 sible for the operation of such project;

3 “(C) they will establish policies and prac-
4 tices that are consistent with, and do not re-
5 strict the exercise of rights provided by, subtitle
6 B of title VII, and other laws relating to the
7 provision of educational and related services to
8 individuals and families experiencing homeless-
9 ness;

10 “(D) in the case of programs that provide
11 housing or services to families, they will des-
12 ignate a staff person to be responsible for en-
13 suring that children being served in the pro-
14 gram are enrolled in school and connected to
15 appropriate services in the community, includ-
16 ing early childhood programs such as Head
17 Start, part C of the Individuals with Disabil-
18 ities Education Act, and programs authorized
19 under subtitle B of title VII of this Act(42
20 U.S.C. 11431 et seq.); and

21 “(E) they will provide data and reports as
22 required by the Secretary pursuant to the Act;

23 “(5) if a collaborative applicant is a unified
24 funding agency under section 402(g) and receives
25 funds under subtitle C to carry out the payment of

1 administrative costs described in section 423(a)(11),
2 to establish such fiscal control and fund accounting
3 procedures as may be necessary to assure the proper
4 disbursement of, and accounting for, such funds in order
5 to ensure that all financial transactions carried out
6 with such funds are conducted, and records main-
7 tained, in accordance with generally accepted ac-
8 counting principles;

9 “(6) to monitor and report to the Secretary the
10 provision of matching funds as required by section
11 430;

12 “(7) to take the educational needs of children
13 into account when families are placed in emergency
14 or transitional shelter and will, to the maximum ex-
15 tent practicable, place families with children as close
16 as possible to their school of origin so as not to dis-
17 rupt such children’s education; and

18 “(8) to comply with such other terms and con-
19 ditions as the Secretary may establish to carry out
20 this subtitle in an effective and efficient manner.”;

21 (2) by redesignating subsection (d) as sub-
22 section (c);

23 (3) in the first sentence of subsection (c) (as so
24 redesignated by paragraph (2) of this subsection), by

1 striking “recipient” and inserting “recipient or
2 project sponsor”;

3 (4) by striking subsection (e);

4 (5) by redesignating subsections (f), (g), and
5 (h), as subsections (d), (e), and (f), respectively;

6 (6) in the first sentence of subsection (e) (as so
7 redesignated by paragraph (5) of this section), by
8 striking “recipient” each place it appears and insert-
9 ing “recipient or project sponsor”;

10 (7) by striking subsection (i); and

11 (8) by redesignating subsection (j) as sub-
12 section (g).

13 **SEC. 305. SELECTION CRITERIA, ALLOCATION AMOUNTS,**
14 **AND FUNDING.**

15 The McKinney-Vento Homeless Assistance Act is
16 amended—

17 (1) by repealing section 429 (42 U.S.C. 11389);

18 and

19 (2) by redesignating sections 427 and 428 (42
20 U.S.C. 11387, 11388) as sections 432 and 433, re-
21 spectively; and

22 (3) by inserting after section 426 the following
23 new sections:

1 **“SEC. 427. SELECTION CRITERIA.**

2 “(a) IN GENERAL.—The Secretary shall award funds
3 to recipients through a national competition between geo-
4 graphic areas based on criteria established by the Sec-
5 retary.

6 “(b) REQUIRED CRITERIA.—

7 “(1) IN GENERAL.—The criteria established
8 under subsection (a) shall include—

9 “(A) the previous performance of the re-
10 cipient regarding homelessness, including per-
11 formance related to funds provided under sec-
12 tion 412 (except that recipients applying from
13 geographic areas where no funds have been
14 awarded under this subtitle, or under subtitles
15 C, D, E, or F of title IV of this Act, as in effect
16 prior to the date of the enactment of the Home-
17 less Emergency Assistance and Rapid Transi-
18 tion to Housing Act of 2008, shall receive full
19 credit for performance under this subpara-
20 graph), measured by criteria that shall be an-
21 nounced by the Secretary, that shall take into
22 account barriers faced by individual homeless
23 people, and that shall include—

24 “(i) the length of time individuals and
25 families remain homeless;

1 “(ii) the extent to which individuals
2 and families who leave homelessness expe-
3 rience additional spells of homelessness;

4 “(iii) the thoroughness of grantees in
5 the geographic area in reaching homeless
6 individuals and families;

7 “(iv) overall reduction in the number
8 of homeless individuals and families;

9 “(v) jobs and income growth for
10 homeless individuals and families;

11 “(vi) success at reducing the number
12 of individuals and families who become
13 homeless;

14 “(vii) other accomplishments by the
15 recipient related to reducing homelessness;
16 and

17 “(viii) for collaborative applicants that
18 have exercised the authority under section
19 422(j) to serve families with children and
20 youth defined as homeless under other
21 Federal statutes, success in achieving the
22 goals and outcomes identified in section
23 427(b)(1)(F);

24 “(B) the plan of the recipient, which shall
25 describe—

1 “(i) how the number of individuals
2 and families who become homeless will be
3 reduced in the community;

4 “(ii) how the length of time that indi-
5 viduals and families remain homeless will
6 be reduced;

7 “(iii) how the recipient will collaborate
8 with local education authorities to assist in
9 the identification of individuals and fami-
10 lies who become or remain homeless and
11 are informed of their eligibility for services
12 under subtitle B of title VII of this Act
13 (42 U.S.C. 11431 et seq.);

14 “(iv) the extent to which the recipient
15 will—

16 “(I) address the needs of all rel-
17 evant subpopulations;

18 “(II) incorporate comprehensive
19 strategies for reducing homelessness,
20 including the interventions referred to
21 in section 428(d);

22 “(III) set quantifiable perform-
23 ance measures;

24 “(IV) set timelines for completion
25 of specific tasks;

1 “(V) identify specific funding
2 sources for planned activities; and

3 “(VI) identify an individual or
4 body responsible for overseeing imple-
5 mentation of specific strategies; and

6 “(v) whether the recipient proposes to
7 exercise authority to use funds under sec-
8 tion 422(j), and if so, how the recipient
9 will achieve the goals and outcomes identi-
10 fied in section 427(b)(1)(F);

11 “(C) the methodology of the recipient used
12 to determine the priority for funding local
13 projects under section 422(c)(1), including the
14 extent to which the priority-setting process—

15 “(i) uses periodically collected infor-
16 mation and analysis to determine the ex-
17 tent to which each project has resulted in
18 rapid return to permanent housing for
19 those served by the project, taking into ac-
20 count the severity of barriers faced by the
21 people the project serves;

22 “(ii) considers the full range of opin-
23 ions from individuals or entities with
24 knowledge of homelessness in the geo-
25 graphic area or an interest in preventing

1 or ending homelessness in the geographic
2 area;

3 “(iii) is based on objective criteria
4 that have been publicly announced by the
5 recipient; and

6 “(iv) is open to proposals from enti-
7 ties that have not previously received funds
8 under this subtitle;

9 “(D) the extent to which the amount of as-
10 sistance to be provided under this subtitle to
11 the recipient will be supplemented with re-
12 sources from other public and private sources,
13 including mainstream programs identified by
14 the Government Accountability Office in the
15 two reports described in section 203(a)(7);

16 “(E) demonstrated coordination by the re-
17 cipient with the other Federal, State, local, pri-
18 vate, and other entities serving individuals and
19 families experiencing homelessness and at risk
20 of homelessness in the planning and operation
21 of projects;

22 “(F) for collaborative applicants exercising
23 the authority under section 422(j) to serve
24 homeless families with children and youth de-
25 fined as homeless under other Federal statutes,

1 program goals and outcomes, which shall in-
2 clude—

3 “(i) preventing homelessness among
4 the subset of such families with children
5 and youth who are at highest risk of be-
6 coming homeless, as such term is defined
7 for purposes of this title; or

8 “(ii) achieving independent living in
9 permanent housing among such families
10 with children and youth, especially those
11 who have a history of doubled-up and other
12 temporary housing situations or are living
13 in a temporary housing situation due to
14 lack of available and appropriate emer-
15 gency shelter, through the provision of eli-
16 gible assistance that directly contributes to
17 achieving such results including assistance
18 to address chronic disabilities, chronic
19 physical health or mental health condi-
20 tions, substance addiction, histories of do-
21 mestic violence or childhood abuse, or mul-
22 tiple barriers to employment; and

23 “(G) such other factors as the Secretary
24 determines to be appropriate to carry out this
25 subtitle in an effective and efficient manner.

1 “(2) ADDITIONAL CRITERIA.—In addition to
2 the criteria required under paragraph (1), the cri-
3 teria established under paragraph (1) shall also in-
4 clude the need within the geographic area for home-
5 less services, determined as follows and under the
6 following conditions:

7 “(A) NOTICE.—The Secretary shall inform
8 each collaborative applicant, at a time concu-
9 rent with the release of the notice of funding
10 availability for the grants, of the pro rata esti-
11 mated grant amount under this subtitle for the
12 geographic area represented by the collaborative
13 applicant.

14 “(B) AMOUNT.—

15 “(i) INITIAL DETERMINATION PE-
16 RIOD.—For the 2-year period beginning on
17 the date of the enactment of the Homeless
18 Emergency Assistance and Rapid Transi-
19 tion to Housing Act of 2008, the estimated
20 need amount under subparagraph (A) shall
21 be determined by the Secretary.

22 “(ii) FINAL DETERMINATION PE-
23 RIOD.—

24 “(I) IN GENERAL.—Upon expira-
25 tion of the 2-year period set forth

1 under clause (i), the Secretary shall
2 develop and adopt regulations estab-
3 lishing a new formula for determining
4 the estimated need amount under sub-
5 paragraph (A).

6 “(II) BEST DATA.—The new for-
7 mula developed under subclause (I)
8 shall use the best currently available
9 data that targets such need amount to
10 actual rates of homelessness and the
11 risk of homelessness in the geographic
12 area represented by the collaborative
13 applicant.

14 “(III) CONSIDERATIONS.—In de-
15 veloping the new formula required
16 under subclause (I), the Secretary
17 shall give—

18 “(aa) significant consider-
19 ation to data providing accurate
20 counts of—

21 “(AA) the current num-
22 ber of homeless individuals
23 in the geographic area rep-
24 resented by the collaborative
25 applicant;

1 “(BB) shortages of af-
2 fordable housing in the geo-
3 graphic area represented by
4 the collaborative applicant;
5 and

6 “(CC) the severe hous-
7 ing problems among ex-
8 tremely low-income house-
9 holds in the geographic area
10 represented by the collabo-
11 rative applicant; and

12 “(bb) particular attention to
13 variables measuring—

14 “(AA) shortages of
15 housing affordable and
16 available to extremely low-
17 income renters in the geo-
18 graphic area represented by
19 the collaborative applicant;

20 “(BB) the number of
21 extremely low-income house-
22 holds in the geographic area
23 represented by the collabo-
24 rative applicant who experi-
25 ence severe cost burden, live

1 in substandard housing, or
2 have crowding problems; and
3 “(CC) the poverty rate
4 in the geographic area rep-
5 resented by the collaborative
6 applicant.

7 “(iii) COMBINATIONS OR CON-
8 SORTIA.—For a collaborative applicant
9 that represents a combination or consor-
10 tium of cities or counties, the estimated
11 need amount shall be the sum of the esti-
12 mated need amounts for the cities or coun-
13 ties represented by the collaborative appli-
14 cant.

15 “(iv) AUTHORITY OF SECRETARY.—
16 Subject to the availability of appropria-
17 tions, the Secretary shall increase the esti-
18 mated need amount for a geographic area
19 if necessary to provide 1 year of renewal
20 funding for all expiring contracts entered
21 into under this subtitle for the geographic
22 area.

23 “(3) HOMELESSNESS COUNTS.—The Secretary
24 shall not require that communities conduct an actual
25 count of homeless people other than those described

1 in paragraphs (1) through (4) of section 103(a) of
2 this Act (42 U.S.C. 11302(a)).

3 “(c) ADJUSTMENTS.—The Secretary may adjust the
4 formula described in subsection (b)(2) as necessary—

5 “(1) to ensure that each collaborative applicant
6 has sufficient funding to renew all qualified projects
7 for at least one year; and

8 “(2) to ensure that collaborative applicants are
9 not discouraged from replacing renewal projects with
10 new projects that the collaborative applicant deter-
11 mines will better be able to meet the purposes of this
12 Act.

13 **“SEC. 428. ALLOCATION OF AMOUNTS AND INCENTIVES**
14 **FOR SPECIFIC ELIGIBLE ACTIVITIES.**

15 “(a) MINIMUM ALLOCATION FOR PERMANENT HOUS-
16 ING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH
17 DISABILITIES.—

18 “(1) IN GENERAL.—From the amounts made
19 available to carry out this subtitle for a fiscal year,
20 a portion equal to not less than 30 percent of the
21 sums made available to carry out subtitle B and this
22 subtitle, shall be used for permanent housing for
23 homeless individuals with disabilities and homeless
24 families that include such an individual who is an

1 adult or a minor head of household if no adult is
2 present in the household.

3 “(2) CALCULATION.—In calculating the portion
4 of the amount described in paragraph (1) that is
5 used for activities that are described in paragraph
6 (1), the Secretary shall not count funds made avail-
7 able to renew contracts for existing projects under
8 section 429.

9 “(3) ADJUSTMENT.—The 30-percent figure in
10 paragraph (1) shall be reduced proportionately based
11 on need under section 427(b)(2) in geographic areas
12 for which subsection (e) applies in regard to sub-
13 section (d)(2)(A).

14 “(4) SUSPENSION.—The requirement estab-
15 lished in paragraph (1) shall be suspended for any
16 year in which available funding for grants under this
17 subtitle would not be sufficient to renew for 1-year
18 existing grants that would otherwise be funded
19 under this subtitle.

20 “(5) TERMINATION.—The requirement estab-
21 lished in paragraph (1) shall terminate upon a find-
22 ing by the Secretary that since the beginning of
23 2001 at least 150,000 new units of permanent hous-
24 ing for homeless individuals and families with dis-
25 abilities have been funded under this subtitle.

1 “(b) SET-ASIDE FOR PERMANENT HOUSING FOR
2 HOMELESS FAMILIES WITH CHILDREN.—From the
3 amounts made available to carry out this subtitle for a
4 fiscal year, a portion equal to not less than 10 percent
5 of the sums made available to carry out subtitle B and
6 this subtitle for that fiscal year shall be used to provide
7 or secure permanent housing for homeless families with
8 children.

9 “(c) TREATMENT OF AMOUNTS FOR PERMANENT OR
10 TRANSITIONAL HOUSING.—Nothing in this Act may be
11 construed to establish a limit on the amount of funding
12 that an applicant may request under this subtitle for ac-
13 quisition, construction, or rehabilitation activities for the
14 development of permanent housing or transitional hous-
15 ing.

16 “(d) INCENTIVES FOR PROVEN STRATEGIES.—

17 “(1) IN GENERAL.—The Secretary shall provide
18 bonuses or other incentives to geographic areas for
19 using funding under this subtitle for activities that
20 have been proven to be effective at reducing home-
21 lessness generally, reducing homelessness for a spe-
22 cific subpopulation, or achieving homeless prevention
23 and independent living goals as set forth in section
24 427(b)(1)(F).

1 “(2) RULE OF CONSTRUCTION.—For purposes
2 of this subsection, activities that have been proven to
3 be effective at reducing homelessness generally or re-
4 ducing homelessness for a specific subpopulation in-
5 cludes—

6 “(A) permanent supportive housing for
7 chronically homeless individuals and families;

8 “(B) for homeless families, rapid rehousing
9 services, short-term flexible subsidies to over-
10 come barriers to rehousing, support services
11 concentrating on improving incomes to pay
12 rent, coupled with performance measures em-
13 phasizing rapid and permanent rehousing and
14 with leveraging funding from mainstream fam-
15 ily service systems such as Temporary Assist-
16 ance for Needy Families and Child Welfare
17 services; and

18 “(C) any other activity determined by the
19 Secretary, based on research and after notice
20 and comment to the public, to have been proven
21 effective at reducing homelessness generally, re-
22 ducing homelessness for a specific subpopula-
23 tion, or achieving homeless prevention and inde-
24 pendent living goals as set forth in section
25 427(b)(1)(F).

1 “(3) BALANCE OF INCENTIVES FOR PROVEN
2 STRATEGIES.—To the extent practicable, in pro-
3 viding bonuses or incentives for proven strategies,
4 the Secretary shall seek to maintain a balance
5 among strategies targeting homeless individuals,
6 families, and other subpopulations. The Secretary
7 shall not implement bonuses or incentives that spe-
8 cifically discourage collaborative applicants from ex-
9 ercising their flexibility to serve families with chil-
10 dren and youth defined as homeless under other
11 Federal statutes.

12 “(e) INCENTIVES FOR SUCCESSFUL IMPLEMENTA-
13 TION OF PROVEN STRATEGIES.—If any geographic area
14 demonstrates that it has fully implemented any of the ac-
15 tivities described in subsection (d) for all homeless individ-
16 uals and families or for all members of subpopulations for
17 whom such activities are targeted, that geographic area
18 shall receive the bonus or incentive provided under sub-
19 section (d), but may use such bonus or incentive for any
20 eligible activity under either section 423 or paragraphs (4)
21 and (5) of section 415(a) for homeless people generally
22 or for the relevant subpopulation.

1 **“SEC. 429. RENEWAL FUNDING AND TERMS OF ASSISTANCE**
2 **FOR PERMANENT HOUSING.**

3 “(a) IN GENERAL.—Of the total amount available in
4 the account or accounts designated for appropriations for
5 use in connection with section 8 of the United States
6 Housing Act of 1937 (42 U.S.C. 1437f), the Secretary
7 shall use such sums as may be necessary for the purpose
8 of renewing expiring contracts for leasing, rental assist-
9 ance, or operating costs for permanent housing.

10 “(b) RENEWALS.—The sums made available under
11 subsection (a) shall be available for the renewal of con-
12 tracts in the case of tenant-based assistance, successive
13 1-year terms, and in the case of project-based assistance,
14 successive terms of up to 15 years at the discretion of the
15 applicant or project sponsor and subject to the availability
16 of annual appropriations, for rental assistance and hous-
17 ing operation costs associated with permanent housing
18 projects funded under this subtitle, or under subtitle C
19 or F (as in effect on the day before the effective date of
20 the Homeless Emergency Assistance and Rapid Transition
21 to Housing Act of 2008). The Secretary shall determine
22 whether to renew a contract for such a permanent housing
23 project on the basis of certification by the collaborative
24 applicant for the geographic area that—

25 “(1) there is a demonstrated need for the
26 project; and

1 “(2) the project complies with program require-
2 ments and appropriate standards of housing quality
3 and habitability, as determined by the Secretary.

4 “(c) CONSTRUCTION.—Nothing in this section shall
5 be construed as prohibiting the Secretary from renewing
6 contracts under this subtitle in accordance with criteria
7 set forth in a provision of this subtitle other than this sec-
8 tion.

9 **“SEC. 430. MATCHING FUNDING.**

10 “(a) IN GENERAL.—A collaborative applicant in a ge-
11 ographic area in which funds are awarded under this sub-
12 title shall specify contributions from any source other than
13 a grant awarded under this subtitle, including renewal
14 funding of projects assisted under subtitles C, D, and F
15 of this title as in effect before the effective date under
16 section 503 of the Homeless Emergency Assistance and
17 Rapid Transition to Housing Act of 2008, that shall be
18 made available in the geographic area in an amount equal
19 to not less than 25 percent of the funds provided to recipi-
20 ents in the geographic area, except that grants for leasing
21 shall not be subject to any match requirement.

22 “(b) LIMITATIONS ON IN-KIND MATCH.—The cash
23 value of services provided to the residents or clients of a
24 project sponsor by an entity other than the project sponsor
25 may count toward the contributions in subsection (a) only

1 when documented by a memorandum of understanding be-
2 tween the project sponsor and the other entity that such
3 services will be provided.

4 “(c) COUNTABLE ACTIVITIES.—The contributions re-
5 quired under subsection (a) may consist of—

6 “(1) funding for any eligible activity described
7 under section 423; and

8 “(2) subject to subsection (b), in-kind provision
9 of services of any eligible activity described under
10 section 423.

11 **“SEC. 431. APPEAL PROCEDURE.**

12 “(a) IN GENERAL.—With respect to funding under
13 this subtitle, if certification of consistency with the consoli-
14 dated plan pursuant to section 403 is withheld from an
15 applicant who has submitted an application for that cer-
16 tification, such applicant may appeal such decision to the
17 Secretary.

18 “(b) PROCEDURE.—The Secretary shall establish a
19 procedure to process the appeals described in subsection
20 (a).

21 “(c) DETERMINATION.—Not later than 45 days after
22 the date of receipt of an appeal described in subsection
23 (a), the Secretary shall determine if certification was un-
24 reasonably withheld. If such certification was unreason-
25 ably withheld, the Secretary shall review such application

1 and determine if such applicant shall receive funding
2 under this subtitle.”.

3 **SEC. 306. RESEARCH.**

4 There is authorized to be appropriated \$8,000,000,
5 for each of fiscal years 2009 and 2010, for research into
6 the efficacy of interventions for homeless families, to be
7 expended by the Secretary of Housing and Urban Develop-
8 ment over the 2 years at three different sites to provide
9 services for homeless families and evaluate the effective-
10 ness of such services.

11 **TITLE IV—RURAL HOUSING STA-**
12 **BILITY ASSISTANCE PRO-**
13 **GRAM**

14 **SEC. 401. RURAL HOUSING STABILITY ASSISTANCE.**

15 Subtitle G of title IV of the McKinney-Vento Home-
16 less Assistance Act (42 U.S.C. 11408 et seq.) is amend-
17 ed—

18 (1) by striking the subtitle heading and insert-
19 ing the following:

20 **“Subtitle G—Rural Housing**
21 **Stability Assistance Program”;** and

22 (2) in section 491—

23 (A) by striking the section heading and in-
24 serting **“RURAL HOUSING STABILITY**
25 **GRANT PROGRAM.”;**

1 (B) in subsection (a)—

2 (i) by striking “rural homelessness
3 grant program” and inserting “rural hous-
4 ing stability grant program”;

5 (ii) by inserting “in lieu of grants
6 under subtitle C” after “eligible organiza-
7 tions”; and

8 (iii) by striking paragraphs (1), (2),
9 and (3), and inserting the following:

10 “(1) rehousing or improving the housing situa-
11 tions of individuals and families who are homeless or
12 in the worst housing situations in the geographic
13 area;

14 “(2) stabilizing the housing of individuals and
15 families who are in imminent danger of losing hous-
16 ing; and

17 “(3) improving the ability of the lowest-income
18 residents of the community to afford stable hous-
19 ing.”;

20 (C) in subsection (b)(1)—

21 (i) by redesignating subparagraphs
22 (E), (F), and (G) as subparagraphs (I),
23 (J), and (K), respectively; and

24 (ii) by striking subparagraph (D) and
25 inserting the following:

1 “(D) construction of new housing units to
2 provide transitional or permanent housing to
3 homeless individuals and families and individ-
4 uals and families at risk of homelessness;

5 “(E) acquisition or rehabilitation of a
6 structure to provide supportive services or to
7 provide transitional or permanent housing,
8 other than emergency shelter, to homeless indi-
9 viduals and families and individuals and fami-
10 lies at risk of homelessness;

11 “(F) leasing of property, or portions of
12 property, not owned by the recipient or project
13 sponsor involved, for use in providing transi-
14 tional or permanent housing to homeless indi-
15 viduals and families and individuals and fami-
16 lies at risk of homelessness, or providing sup-
17 portive services to such homeless and at-risk in-
18 dividuals and families;

19 “(G) provision of rental assistance to pro-
20 vide transitional or permanent housing to home-
21 less individuals and families and individuals and
22 families at risk of homelessness, such rental as-
23 sistance may include tenant-based or project-
24 based rental assistance;

1 “(H) payment of operating costs for hous-
2 ing units assisted under this title;”;

3 (D) in subsection (b)(2), by striking “ap-
4 propriated” and inserting “transferred”;

5 (E) in subsection (c)—

6 (i) in paragraph (1)(A), by striking
7 “appropriated” and inserting “trans-
8 ferred”; and

9 (ii) in paragraph (3), by striking “ap-
10 propriated” and inserting “transferred”;

11 (F) in subsection (d)—

12 (i) in paragraph (5), by striking “;
13 and” and inserting a semicolon;

14 (ii) in paragraph (6)—

15 (I) by striking “an agreement”
16 and all that follows through “fami-
17 lies” and inserting the following: “a
18 description of how individuals and
19 families who are homeless or who have
20 the lowest incomes in the community
21 will be involved by the organization”;
22 and

23 (II) by striking the period at the
24 end, and inserting a semicolon; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(7) a description of consultations that took
4 place within the community to ascertain the most
5 important uses for funding under this section, in-
6 cluding the involvement of potential beneficiaries of
7 the project; and

8 “(8) a description of the extent and nature of
9 homelessness and of the worst housing situations in
10 the community.”;

11 (G) by striking subsections (f) and (g) and
12 inserting the following:

13 “(f) MATCHING FUNDING.—

14 “(1) IN GENERAL.—An organization eligible to
15 receive a grant under subsection (a) shall specify
16 matching contributions from any source other than
17 a grant awarded under this subtitle, that shall be
18 made available in the geographic area in an amount
19 equal to not less than 25 percent of the funds pro-
20 vided for the project or activity, except that grants
21 for leasing shall not be subject to any match require-
22 ment.

23 “(2) LIMITATIONS ON IN-KIND MATCH.—The
24 cash value of services provided to the beneficiaries or
25 clients of an eligible organization by an entity other

1 than the organization may count toward the con-
2 tributions in paragraph (1) only when documented
3 by a memorandum of understanding between the or-
4 ganization and the other entity that such services
5 will be provided.

6 “(3) COUNTABLE ACTIVITIES.—The contribu-
7 tions required under paragraph (1) may consist of—

8 “(A) funding for any eligible activity de-
9 scribed under subsection (b); and

10 “(B) subject to paragraph (2), in-kind pro-
11 vision of services of any eligible activity de-
12 scribed under subsection (b).

13 “(g) SELECTION CRITERIA.—The Secretary shall es-
14 tablish criteria for selecting recipients of grants under
15 subsection (a), including—

16 “(1) the participation of potential beneficiaries
17 of the project in assessing the need for, and impor-
18 tance of, the project in the community;

19 “(2) the degree to which the project addresses
20 the most harmful housing situations present in the
21 community;

22 “(3) the degree of collaboration with others in
23 the community to meet the goals described in sub-
24 section (a);

1 “(4) the performance of the organization in im-
2 proving housing situations, taking account of the se-
3 verity of barriers of individuals and families served
4 by the organization;

5 “(5) for organizations that have previously re-
6 ceived funding under this section, the extent of im-
7 provement in homelessness and the worst housing
8 situations in the community since such funding
9 began;

10 “(6) the need for such funds, as determined by
11 the formula established under section 427(b)(2); and

12 “(7) any other relevant criteria as determined
13 by the Secretary.”;

14 (H) in subsection (h)—

15 (i) in paragraph (1)(A)—

16 (I) by striking “The” and insert-
17 ing “Not later than 18 months after
18 funding is first made available pursu-
19 ant to the amendments made by title
20 IV of the Homeless Emergency As-
21 sistance and Rapid Transition to
22 Housing Act of 2008, the”; and

23 (II) by striking “providing hous-
24 ing and other assistance to homeless

1 persons” and inserting “meeting the
2 goals described in subsection (a)”;

3 (ii) in paragraph (1)(B), by striking
4 “address homelessness in rural areas” and
5 inserting “meet the goals described in sub-
6 section (a) in rural areas”; and

7 (iii) in paragraph (2)—

8 (I) by striking “The” and insert-
9 ing “Not later than 24 months after
10 funding is first made available pursu-
11 ant to the amendment made by title
12 IV of the Homeless Emergency As-
13 sistance and Rapid Transition to
14 Housing Act of 2008, the”;

15 (II) by striking “, not later than
16 18 months after the date on which the
17 Secretary first makes grants under
18 the program,”; and

19 (III) by striking “prevent and re-
20 spond to homelessness” and inserting
21 “meet the goals described in sub-
22 section (a)”;

23 (I) in subsection (k)—

24 (i) in paragraph (1), by striking
25 “rural homelessness grant program” and

1 inserting “rural housing stability grant
2 program”; and

3 (ii) in paragraph (2)—

4 (I) in subparagraph (A), by strik-
5 ing “; or” and inserting a semicolon;

6 (II) in subparagraph (B)(ii), by
7 striking “rural census tract.” and in-
8 serting “county where at least 75 per-
9 cent of the population is rural; or”;
10 and

11 (III) by adding at the end the
12 following:

13 “(C) any area or community, respectively,
14 located in a State that has population density
15 of less than 30 persons per square mile (as re-
16 ported in the most recent decennial census),
17 and of which at least 1.25 percent of the total
18 acreage of such State is under Federal jurisdic-
19 tion, provided that no metropolitan city (as
20 such term is defined in section 102 of the
21 Housing and Community Development Act of
22 1974) in such State is the sole beneficiary of
23 the grant amounts awarded under this sec-
24 tion.”;

25 (J) in subsection (l)—

1 (i) by striking the subsection heading
2 and inserting “PROGRAM FUNDING.—”;
3 and

4 (ii) by striking paragraph (1) and in-
5 serting the following:

6 “(1) IN GENERAL.—The Secretary shall deter-
7 mine the total amount of funding attributable under
8 section 427(b)(2) to meet the needs of any geo-
9 graphic area in the Nation that applies for funding
10 under this section. The Secretary shall transfer any
11 amounts determined under this subsection from the
12 Community Homeless Assistance Program and con-
13 solidate such transferred amounts for grants under
14 this section, except that the Secretary shall transfer
15 an amount not less than 5 percent of the amount
16 available under this subtitle for grants under this
17 section.”; and

18 (K) by adding at the end the following:

19 “(m) DIVISION OF FUNDS.—

20 “(1) AGREEMENT AMONG GEOGRAPHIC
21 AREAS.—If the Secretary receives an application or
22 applications to provide services in a geographic area
23 under this subtitle, and also under subtitle C, the
24 Secretary shall consult with all applicants from the
25 geographic area to determine whether all agree to

1 proceed under either this subtitle or under subtitle
2 C.

3 “(2) DEFAULT IF NO AGREEMENT.—If no
4 agreement is reached under paragraph (1), the Sec-
5 retary shall proceed under this subtitle or under sub-
6 title C, depending on which results in the largest
7 total grant funding to the geographic area.”.

8 **SEC. 402. GAO STUDY OF HOMELESSNESS AND HOMELESS**
9 **ASSISTANCE IN RURAL AREAS.**

10 (a) STUDY AND REPORT.—Not later than the expira-
11 tion of the 12-month period beginning on the date of the
12 enactment of this Act, the Comptroller General of the
13 United States shall conduct a study to examine homeless-
14 ness and homeless assistance in rural areas and rural com-
15 munities and submit a report to the Congress on the find-
16 ings and conclusion of the study. The report shall contain
17 the following matters:

18 (1) A general description of homelessness, in-
19 cluding the range of living situations among home-
20 less individuals and homeless families, in rural areas
21 and rural communities of the United States, includ-
22 ing tribal lands and colonias.

23 (2) An estimate of the incidence and prevalence
24 of homelessness among individuals and families in

1 rural areas and rural communities of the United
2 States.

3 (3) An estimate of the number of individuals
4 and families from rural areas and rural communities
5 who migrate annually to non-rural areas and non-
6 rural communities for homeless assistance.

7 (4) A description of barriers that individuals
8 and families in and from rural areas and rural com-
9 munities encounter when seeking to access homeless
10 assistance programs, and recommendations for re-
11 moving such barriers.

12 (5) A comparison of the rate of homelessness
13 among individuals and families in and from rural
14 areas and rural communities compared to the rate of
15 homelessness among individuals and families in and
16 from non-rural areas and non-rural communities.

17 (6) A general description of homeless assistance
18 for individuals and families in rural areas and rural
19 communities of the United States.

20 (7) A description of barriers that homeless as-
21 sistance providers serving rural areas and rural com-
22 munities encounter when seeking to access Federal
23 homeless assistance programs, and recommendations
24 for removing such barriers.

1 (8) An assessment of the type and amount of
2 Federal homeless assistance funds awarded to orga-
3 nizations serving rural areas and rural communities
4 and a determination as to whether such amount is
5 proportional to the distribution of homeless individ-
6 uals and families in and from rural areas and rural
7 communities compared to homeless individuals and
8 families in non-rural areas and non-rural commu-
9 nities.

10 (9) An assessment of the current roles of the
11 Department of Housing and Urban Development,
12 the Department of Agriculture, and other Federal
13 departments and agencies in administering homeless
14 assistance programs in rural areas and rural com-
15 munities and recommendations for distributing Fed-
16 eral responsibilities, including homeless assistance
17 program administration and grantmaking, among
18 the departments and agencies so that service organi-
19 zations in rural areas and rural communities are
20 most effectively reached and supported.

21 (b) ACQUISITION OF SUPPORTING INFORMATION.—
22 In carrying out the study under this section, the Comp-
23 troller General shall seek to obtain views from the fol-
24 lowing persons:

25 (1) The Secretary of Agriculture.

1 (2) The Secretary of Housing and Urban Devel-
2 opment.

3 (3) The Secretary of Health and Human Serv-
4 ices.

5 (4) The Secretary of Education.

6 (5) The Secretary of Labor.

7 (6) The Secretary of Veterans Affairs.

8 (7) The Executive Director of the United States
9 Interagency Council on Homelessness.

10 (8) Project sponsors and recipients of homeless
11 assistance grants serving rural areas and rural com-
12 munities.

13 (9) Individuals and families in or from rural
14 areas and rural communities who have sought or are
15 seeking Federal homeless assistance services.

16 (10) National advocacy organizations concerned
17 with homelessness, rural housing, and rural commu-
18 nity development.

19 (c) EFFECTIVE DATE.—This section shall take effect
20 on the date of the enactment of this Act.

1 **TITLE V—REPEALS AND**
2 **CONFORMING AMENDMENTS**

3 **SEC. 501. REPEALS.**

4 Subtitles D, E, and F of title IV of the McKinney-
5 Vento Homeless Assistance Act (42 U.S.C. 11391 et seq.,
6 11401 et seq., and 11403 et seq.) are hereby repealed.

7 **SEC. 502. CONFORMING AMENDMENTS.**

8 (a) **CONSOLIDATED PLAN.**—Section 403(1) of the
9 McKinney-Vento Homeless Assistance Act (as so redesign-
10 nated by section 101(2) of this Act), is amended—

11 (1) by striking “current housing affordability
12 strategy” and inserting “consolidated plan”; and

13 (2) by inserting before the comma the following:
14 “(referred to in such section as a ‘comprehensive
15 housing affordability strategy’)”.

16 (b) **PERSONS EXPERIENCING HOMELESSNESS.**—Sec-
17 tion 103 of the McKinney-Vento Homeless Assistance Act
18 (42 U.S.C. 11302), as amended by the preceding provi-
19 sions of this Act, is further amended by adding at the end
20 the following new subsection:

21 “(e) **PERSONS EXPERIENCING HOMELESSNESS.**—
22 Any references in this Act to homeless individuals (includ-
23 ing homeless persons) or homeless groups (including
24 homeless persons) shall be considered to include, and to

1 refer to, individuals experiencing homelessness or groups
2 experiencing homelessness, respectively.”.

3 (c) RURAL HOUSING STABILITY ASSISTANCE.—Title
4 IV of the McKinney-Vento Homeless Assistance Act is
5 amended by redesignating subtitle G (42 U.S.C. 11408
6 et seq.), as amended by the preceding provisions of this
7 Act, as subtitle D.

8 **SEC. 503. EFFECTIVE DATE.**

9 Except as specifically provided otherwise in this Act,
10 this Act and the amendments made by this Act shall take
11 effect on, and shall apply beginning on—

12 (1) the expiration of the 18-month period begin-
13 ning on the date of the enactment of this Act, or

14 (2) the expiration of the 3-month period begin-
15 ning upon publication by the Secretary of Housing
16 and Urban Development of final regulations pursu-
17 ant to section 504,

18 whichever occurs first.

19 **SEC. 504. REGULATIONS.**

20 (a) IN GENERAL.—Not later than 12 months after
21 the date of the enactment of this Act, the Secretary of
22 Housing and Urban Development shall promulgate regula-
23 tions governing the operation of the programs that are
24 created or modified by this Act.

1 (b) EFFECTIVE DATE.—This section shall take effect
2 on the date of the enactment of this Act.

3 **SEC. 505. AMENDMENT TO TABLE OF CONTENTS.**

4 The table of contents in section 101(b) of the McKin-
5 ney-Vento Homeless Assistance Act (42 U.S.C. 11301
6 note) is amended by striking the item relating to the head-
7 ing for title IV and all that follows through the item relat-
8 ing to section 492 and inserting the following new items:

“TITLE IV—HOUSING ASSISTANCE

“Subtitle A—General Provisions

- “Sec. 401. Definitions.
- “Sec. 402. Collaborative applicants.
- “Sec. 403. Housing affordability strategy.
- “Sec. 404. Preventing involuntary family separation
- “Sec. 405. Technical assistance.
- “Sec. 406. Discharge coordination policy.
- “Sec. 407. Protection of personally identifying information by victim service providers.
- “Sec. 408. Authorization of appropriations.

“Subtitle B—Emergency Solutions Grants Program

- “Sec. 411. Definitions.
- “Sec. 412. Grant assistance.
- “Sec. 413. Amount and allocation of assistance.
- “Sec. 414. Allocation and distribution of assistance.
- “Sec. 415. Eligible activities.
- “Sec. 416. Responsibilities of recipients.
- “Sec. 417. Administrative provisions.
- “Sec. 418. Administrative costs.

“Subtitle C—Continuum of Care Program

- “Sec. 421. Purposes.
- “Sec. 422. Continuum of care applications and grants.
- “Sec. 423. Eligible activities.
- “Sec. 424. Incentives for high-performing communities.
- “Sec. 425. Supportive services.
- “Sec. 426. Program requirements.
- “Sec. 427. Selection criteria.
- “Sec. 428. Allocation of amounts and incentives for specific eligible activities.
- “Sec. 429. Renewal funding and terms of assistance for permanent housing.
- “Sec. 430. Matching funding.
- “Sec. 431. Appeal procedure.
- “Sec. 432. Regulations.

“Sec. 433. Reports to Congress.

“Subtitle D—Rural Housing Stability Assistance Program

“Sec. 491. Rural housing stability assistance.

“Sec. 492. Use of FHMA inventory for transitional housing for homeless persons and for turnkey housing.”.

