

HOMELESS CHILDREN AND YOUTH ACT OF 2017

NOVEMBER 14, 2018.—Ordered to be printed

Mr. HENSARLING, from the Committee on Financial Services,  
submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 1511]

[Including cost estimate of the Congressional Budget Office]

The Committee on Financial Services, to whom was referred the bill (H.R. 1511) to amend the McKinney-Vento Homeless Assistance Act to meet the needs of homeless children, youth, and families, and honor the assessments and priorities of local communities, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments (stated in terms of the page and line numbers of the introduced bill) are as follows:

Page 8, line 19, after the semicolon insert “and”.

Page 8, strike line 20 and all that follows through page 9, line 2.

Page 9, line 3, strike “(D)” and insert “(C)”.

PURPOSE AND SUMMARY

On March 13, 2017, Rep. Steve Stivers introduced H.R. 1511, the “Homeless Children and Youth Act of 2017.” H.R. 1511, as amended, amends the McKinney-Vento Homeless Assistance Act (P.L. 100–77) to modify definitions relating to homeless individuals and homeless children or youth as used by the U.S. Department of Housing and Urban Development (HUD) to verify eligibility for HUD homeless assistance programs to align them with the defini-

tions of “homeless” used to verify eligibility for other federal assistance programs.

#### BACKGROUND AND NEED FOR LEGISLATION

Federal agencies use different definitions of homelessness for the various programs they administer. While some definitions of homelessness are promulgated through regulations, the two most widely used definitions of homelessness are codified in statute.

The U.S. Department of Education’s definition of homelessness, used by all public schools in the United States, includes children and youth who lack a fixed, regular, and adequate nighttime residence. The Education Department’s definition specifically includes children and youth living in shelters, transitional housing, cars, campgrounds, motels, and sharing the housing of others temporarily due to loss of housing, economic hardship, or similar reasons. This is the same definition of homelessness used by Head Start, federally-funded child care programs, child nutrition, and other federal family and youth programs.

With few exceptions, the U.S. Department of Housing and Urban Development’s (HUD) definition of homelessness only includes people living in shelters, transitional housing, or on the streets or other outdoor locations. (See chart of federal definitions of homelessness.)

#### Federal Definitions of Homelessness

*(emphasis added)*

##### **Runaway and Homeless Youth Act—42 U.S.C. § 5601**

(Used by HHS for Family and Youth Services Bureau)

The term ‘homeless’, used with respect to a youth, means an individual—

(A) who is—

(i) less than 21 years of age, or, in the case of a youth seeking shelter in a [Basic Center Program], less than 18 years of age or is less than a higher maximum age if the State where the center is located has an applicable State or local law (including a regulation) that permits such higher maximum age in compliance with licensure requirements for child- and youth-serving facilities, and

(ii) for [a Transitional Living Program], not less than 16 years of age and either (I) less than 22 years of age; or

(II) not less than 22 years of age, as the expiration of the maximum period of stay permitted under section 322(a)(2) if such

##### **McKinney-Vento Homeless Assistance Act—42 U.S.C. § 11434A, As Amended by The Every Student Succeeds Act—**

(Used by ED, by HHS for Head Start and the Child Care Development Fund, by USDA for Child Nutrition, and by DOJ for the Violence Against Women Act)

The term “homeless children and youths”—

(A) means *individuals who lack a fixed, regular, and adequate nighttime residence* (within the meaning of section 103(a)(1)); and

(B) includes—

(i) children and youths who are *sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason*; are living in motels, hotels, trailer parks, or camping grounds *due to the lack of alternative adequate accommodations*; are living in emergency or transitional shelters; or are abandoned in hospitals;

(ii) children and youths who have a *primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings* (within the meaning of section 103(a)(2)(C));

**McKinney-Vento Homeless Assistance Act as Amended by Homeless Emergency and Rapid Transition to Housing (HEARTH) Act of 2009—42 U.S.C. § 11302**

(Used by HUD)\*

. . . [T]he terms 'homeless', 'homeless individual', and 'homeless person' means—

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

(2) an individual or family with a *primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground*;

(3) an individual or family *living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing)*;

(4) an individual who resided in

Title IV of the McKinney-Vento Homeless Assistance Act authorizes HUD to administer a competitive grant program termed “The Continuum of Care” (CoC). The program competitively awards grants for CoC planning costs, local unified agency funding costs, acquisition, rehabilitation, new construction, leasing, rental assistance, supportive services, operating costs, Homeless Management Information Systems (HMIS), and project administration costs. CoC program funds can be used for projects under five program components: (1) permanent housing, (2) transitional housing, (3) supportive services only, (4) HMIS, and (5) homelessness prevention for CoCs designated as high-performing communities. Eligible applicants are: Private nonprofit organizations, states, local governments, instrumentalities of state or local governments, and public housing agencies if they have been selected by the Continuum of Care for the geographic area in which they operate.

The current HUD definition of homelessness results in inefficient and ineffective use of funds, and because the education definition defines homeless persons differently, it is more difficult for children and youth to obtain HUD-provided housing assistance. Service providers and educators use general funds or donations to put families and youth into emergency shelters or motels for the sole purpose of qualifying them for permanent supportive housing or Rapid Rehousing programs. Some providers designate beds as emergency beds for the purpose of qualifying youth for HUD homeless assistance. This is a waste of resources and creates destabilizing and harmful moves. The current HUD homeless assistance program has become so complicated that HUD spends millions of dollars in technical assistance to help communities understand and implement it. The federal government ties the hands of local communities with inconsistent definitions of homelessness and funding streams that prevent agencies from maximizing their impact.

To harmonize the dual definitions of homeless persons, H.R. 1511 would amend the McKinney-Vento Act to include children and youth who are verified as homeless by local educational or social service agencies. H.R. 1511 will increase the visibility of homeless children, youth, and families through more accurate data, thus providing a true picture of homelessness and helping communities leverage and attract more public and private resources to address homelessness. The Homeless Children and Youth Act would allow local communities to meet local needs, as long as they do so effec-

tively. It would correct the heavy-handedness of current HUD homeless policy, which imposes federal priorities on local communities. It would prohibit HUD from awarding greater priority, points, or weight based solely on the specific homeless population to be served or the proposed housing or service model. It would require HUD to ensure that scoring is based primarily on the extent to which communities demonstrate that a project and program components meet the priorities identified in the local plan, and are cost-effective in meeting the overall goals and objectives identified in the local plan. H.R. 1511 would not only increase the number of children and youth that receive housing assistance and services, but also would allow HUD to obtain a more accurate estimate of the number of homeless persons who need housing assistance and services.

#### HEARINGS

The Committee on Financial Services, Subcommittee on Housing and Insurance held a hearing examining matters relating to H.R. 1511 on June 6, 2018.

#### COMMITTEE CONSIDERATION

The Committee on Financial Services met in open session on July 24, 2018, and ordered H.R. 1511 to be reported favorably, as amended, to the House by a recorded vote of 39 yeas to 18 nays (recorded vote no. FC-194), a quorum being present.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. A motion by Chairman Hensarling to report the bill favorably to the House, as amended, was agreed to by a recorded vote of 39 yeas and 18 nays (FC-194), a quorum being present. An amendment offered by Mr. Stivers was agreed to by voice vote. An amendment offered by Ms. Waters was not agreed to, as amended by unanimous consent, by a recorded vote of 23 yeas and 34 nays (FC-193).

## Record vote no. FC-193

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. Hensarling		X		Ms. Maxine Waters (CA)	X		
Mr. McHenry		X		Mrs. Carolyn B. Maloney (NY)	X		
Mr. King		X		Ms. Velázquez	X		
Mr. Royce (CA)		X		Mr. Sherman	X		
Mr. Lucas		X		Mr. Meeks	X		
Mr. Pearce		X		Mr. Capuano	X		
Mr. Posey		X		Mr. Clay	X		
Mr. Luetkemeyer		X		Mr. Lynch	X		
Mr. Huizenga		X		Mr. David Scott (GA)	X		
Mr. Duffy		X		Mr. Al Green (TX)	X		
Mr. Stivers		X		Mr. Cleaver	X		
Mr. Hultgren		X		Ms. Moore			
Mr. Ross		X		Mr. Ellison			
Mr. Pittenger		X		Mr. Perlmutter	X		
Mrs. Wagner		X		Mr. Himes	X		
Mr. Barr		X		Mr. Foster	X		
Mr. Rothfus		X		Mr. Kildee	X		
Mr. Messer		X		Mr. Delaney	X		
Mr. Tipton		X		Ms. Sinema	X		
Mr. Williams		X		Mrs. Beatty	X		
Mr. Poliquin		X		Mr. Heck	X		
Mrs. Love		X		Mr. Vargas	X		
Mr. Hill		X		Mr. Gottheimer	X		
Mr. Emmer		X		Mr. Gonzalez (TX)	X		
Mr. Zeldin		X		Mr. Crist	X		
Mr. Trott		X		Mr. Kihuen			
Mr. Loudermilk		X					
Mr. Mooney (WV)		X					
Mr. MacArthur		X					
Mr. Davidson		X					
Mr. Budd		X					
Mr. Kustoff (TN)		X					
Ms. Tenney		X					
Mr. Hollingsworth		X					

## Record vote no. FC-194

Representative	Yea	Nay	Present	Representative	Yea	Nay	Present
Mr. Hensarling .....	X			Ms. Maxine Waters (CA) .....		X	
Mr. McHenry .....	X			Mrs. Carolyn B. Maloney (NY) .....		X	
Mr. King .....	X			Ms. Velázquez .....		X	
Mr. Royce (CA) .....	X			Mr. Sherman .....		X	
Mr. Lucas .....	X			Mr. Meeks .....		X	
Mr. Pearce .....	X			Mr. Capuano .....		X	
Mr. Posey .....	X			Mr. Clay .....		X	
Mr. Luetkemeyer .....	X			Mr. Lynch .....		X	
Mr. Huizenga .....	X			Mr. David Scott (GA) .....		X	
Mr. Duffy .....	X			Mr. Al Green (TX) .....		X	
Mr. Stivers .....	X			Mr. Cleaver .....		X	
Mr. Hultgren .....	X			Ms. Moore .....			
Mr. Ross .....	X			Mr. Ellison .....			
Mr. Pittenger .....	X			Mr. Perlmutter .....	X		
Mrs. Wagner .....	X			Mr. Himes .....		X	
Mr. Barr .....	X			Mr. Foster .....		X	
Mr. Rothfus .....	X			Mr. Kildee .....		X	
Mr. Messer .....	X			Mr. Delaney .....		X	
Mr. Tipton .....	X			Ms. Sinema .....	X		
Mr. Williams .....	X			Mrs. Beatty .....	X		
Mr. Poliquin .....	X			Mr. Heck .....		X	
Mrs. Love .....	X			Mr. Vargas .....		X	
Mr. Hill .....	X			Mr. Gottheimer .....	X		
Mr. Emmer .....	X			Mr. Gonzalez (TX) .....		X	
Mr. Zeldin .....	X			Mr. Crist .....	X		
Mr. Trott .....	X			Mr. Kihuen .....			
Mr. Loudermilk .....	X						
Mr. Mooney (WV) .....	X						
Mr. MacArthur .....	X						
Mr. Davidson .....	X						
Mr. Budd .....	X						
Mr. Kustoff (TN) .....	X						
Ms. Tenney .....	X						
Mr. Hollingsworth .....	X						

## COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the findings and recommendations of the Committee based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

## PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee states that H.R. 1511 authorizes the Secretary of Housing and Urban Development to carry out a housing choice voucher mobility demonstration to encourage families receiving such voucher assistance to move to lower-poverty areas and expand access to opportunity areas.

## NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

## CONGRESSIONAL BUDGET OFFICE ESTIMATES

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, October 23, 2018.*

Hon. JEB HENSARLING,  
*Chairman, Committee on Financial Services,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1511, the Homeless Children and Youth Act of 2017.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Elizabeth Cove Delisle.

Sincerely,

MARK P. HADLEY  
(For Keith Hall, Director).

Enclosure.

*H.R. 1511—Homeless Children and Youth Act of 2017*

Summary: H.R. 1511 would expand eligibility for services under the Continuum of Care (CoC) Program of the Department of Housing and Urban Development (HUD) to include doubled-up families—youth and families with children who are living with others because they cannot afford their own housing. That expansion would be limited to households that meet the program's income and

other requirements for participation. CBO estimates that implementing H.R. 1511 would cost \$708 million over the 2019–2023 period, assuming appropriation of the necessary amounts.

Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 1511 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 1511 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary effect of H.R. 1511 is shown in the following table. The costs of the legislation fall within budget function 600 (income security).

	By fiscal year, in millions of dollars—					2019–2023
	2019	2020	2021	2022	2023	
INCREASES IN SPENDING SUBJECT TO APPROPRIATION						
Expand Eligibility for Continuum of Care Program:						
Estimated Authorization Level .....	102	208	319	434	555	1,618
Estimated Outlays .....	0	16	97	192	293	598
Data Collection:						
Estimated Authorization Level .....	39	40	41	42	43	205
Estimated Outlays .....	0	6	31	36	37	110
Total Increases:						
Estimated Authorization Level .....	141	248	360	476	598	1,823
Estimated Outlays .....	0	22	128	228	330	708

Basis of estimate: For this estimate, CBO assumes that H.R. 1511 will be enacted near the end of 2018 and that future appropriations will be provided as estimated. CBO expects that outlays will follow historical spending patterns.

CBO estimates that implementing H.R. 1511 would require appropriations of \$1.8 billion over the 2019–2023 period and that outlays would total \$708 million over the same period. The need for appropriations would continue after 2023.

#### *Expand eligibility for the Continuum of Care Program*

The CoC Program makes grants to nonprofit providers and state and local governments to help homeless families and youth. H.R. 1511 would expand eligibility to include families and youth who are verified by a federal agency as doubled up.

Under current law, households consisting of youth and families with children who are unsheltered or are living in permanent supportive housing, transitional housing, or emergency shelters are eligible for assistance. To be eligible, the household must meet certain income requirements and the following general conditions:

- The household must have moved at least twice within the past 60 days,
- The household cannot have had a lease within the past 60 days, and
- One member of the household must be disabled or the head of the household must have multiple barriers to employment.

Using information from HUD, the Department of Education, and the Department of Health and Human Services, CBO estimates that in an average month in 2016, about 1 million people were eli-



gible for assistance under the CoC Program and that the program funded the full cost of assistance for 13 percent of those households in that year. Under H.R. 1511, CBO estimates that, in an average month, an additional 800,000 children and youth, in 500,000 households, would be eligible for the program.

H.R. 1511 would prohibit HUD from awarding CoC Program grants on the basis of the specific population that the applicants serve or the type of assistance provided, unless a grant applicant demonstrated that doing so would be the most effective way to reduce homelessness. Under current law, CoC Program funds are not used to serve doubled-up youth and families. CBO expects that, under the bill, about half of the grant recipients would serve doubled-up households and that it would take about five years to fully implement services for that group. By 2023, CBO expects, the program would assist 6 percent (or 30,000 households) of the newly eligible population, or half the share of the eligible population that receives assistance under current law.

The type of assistance that a doubled-up household would receive would vary depending on the needs of its members. Households consisting of youth or adults with no major barriers to employment or disabilities would probably receive less assistance than households whose members had disabilities or barriers to employment. Using information from the Census Bureau and HUD studies about the characteristics of doubled-up households and the costs of different types of housing assistance, CBO estimates that HUD would provide about \$16,500 in assistance for an average household in 2019. CBO estimates that implementing the bill would cost \$598 million over the 2019–2023 period, assuming appropriation of the necessary amounts.

#### *Data collection*

H.R. 1511 also would require grant recipients that conduct counts of homeless people to count all of the people who meet the definition of homelessness, including those made eligible under the bill. In 2017, HUD awarded about \$50 million to grant recipients to collect, use, and submit data on about 1 million homeless and formerly homeless people. CBO estimates that collecting and submitting data on the 800,000 people who would be newly eligible for CoC assistance under the bill would cost an additional \$110 million over the 2019–2023 period.

#### *Uncertainty*

CBO aims to produce estimates that generally reflect the middle of a range of the most likely budgetary outcomes that would result if the legislation was enacted. For legislation that would make households eligible for federal assistance, CBO's estimate of spending subject to appropriation is based on costs and historical spending patterns for that assistance. However, CBO cannot predict with certainty the amount of funds that the Congress would appropriate under the bill. If appropriations were not provided to implement H.R. 1511, fewer doubled up households, or fewer other homeless households, would be served.

In addition, if the Congress did provide funds to implement the bill, spending under H.R. 1511 could be higher or lower than CBO's estimate for three reasons:

- First, CBO cannot precisely predict the number of households that would become eligible for the program. For example, CBO's estimate reflects historical efforts by federal agencies to identify doubled up households; if agencies' efforts to identify those households are higher under the bill, spending subject to appropriation would be higher.

- Second, CBO cannot precisely predict the amount of funding that each household would receive. If the average household has more or fewer barriers to employment than CBO expected, estimated costs would differ from those provided in CBO's cost estimate.

- Finally, CBO cannot foresee with certainty the extent to which grantees would apply to serve newly eligible households. If grantees preferred not to serve those households, spending subject to appropriation would be lower.

Because of those uncertainties, the budgetary effects of enacting H.R. 1511 could differ significantly from those provided in CBO's cost estimate.

Pay-As-You-Go considerations: None.

Increase in long-term direct spending and deficits: CBO estimates that enacting H.R. 1511 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

Mandates: H.R. 1511 contains no intergovernmental or private-sector mandates as defined in UMRA.

Estimate prepared by: Federal costs: Elizabeth Cove Delisle; Mandates: Rachel Austin.

Estimate reviewed by: Sheila Dacey, Chief, Income Security and Education Cost Estimates Unit; H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis; Theresa Gullo, Assistant Director for Budget Analysis.

#### FEDERAL MANDATES STATEMENT

This information is provided in accordance with section 423 of the Unfunded Mandates Reform Act of 1995.

The Committee has determined that the bill does not contain Federal mandates on the private sector. The Committee has determined that the bill does not impose a Federal intergovernmental mandate on State, local, or tribal governments.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of the section 102(b)(3) of the Congressional Accountability Act.

#### EARMARK IDENTIFICATION

With respect to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee has carefully reviewed the pro-

visions of the bill and states that the provisions of the bill do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits within the meaning of the rule.

#### DUPLICATION OF FEDERAL PROGRAMS

In compliance with clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee states that no provision of the bill establishes or reauthorizes: (1) a program of the Federal Government known to be duplicative of another Federal program; (2) a program included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139; or (3) a program related to a program identified in the most recent Catalog of Federal Domestic Assistance, published pursuant to the Federal Program Information Act (Pub. L. No. 95–220, as amended by Pub. L. No. 98–169).

#### DISCLOSURE OF DIRECTED RULEMAKING

Pursuant to section 3(i) of H. Res. 5, (115th Congress), the following statement is made concerning directed rule makings: The Committee estimates that the bill requires no directed rule makings within the meaning of such section.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short title*

This section titles the bill as the Homeless Children and Youth Act of 2017.

##### *Section 2. Amendments to the McKinney-Vento Homeless Assistance Act*

Section 2 amends Sections 103, 401, 402, 409, 422, 424, 426, 427, 428 and 434 of the McKinney Vento Homeless Assistance Act.

##### *General definition of homeless individual*

Amends section 103 of the McKinney-Vento Homeless Assistance Act to permit programs under the Department of Housing and Urban Development (HUD) McKinney-Vento Homeless Assistance Act (herein referred as “McKinney Vento Act”) to serve individuals or families who have a court order or credible evidence that they will lose their housing within 30 days; removes a standard regarding people living in motels, by clarifying that such situations are “homeless” regardless of how they are funded; allows programs under the McKinney Vento Act to serve homeless children and youth if they have been verified as homeless under another federal program, eliminating requirements to prove length of homelessness, frequency of moves, and chronic disabilities, histories of abuse or other barriers; and, prohibits HUD from issuing regulations on the definition of homelessness or issuing any statement that has the effect of restricting eligibility for programs under the McKinney Vento Act for any individual defined as homeless for any program or program component.

*Definitions*

Amends section 401 of the McKinney-Vento Homeless Assistance Act to incorporate the definition of “homeless youth” under the Runaway and Homeless Youth Act into programs under the McKinney Vento Act eligibility (youth under age 22 who cannot live safely with a parent, legal guardian, or relative and has no other safe alternative living arrangement); extends eligibility for programs under the McKinney Vento Act to a child or youth who has been verified as homeless under another federal program; amends the definition of “chronically homeless” by including people who are homeless under certain federal programs or including a dependent child with a disabling condition; amends the definition of “Under-served populations” to include children under age five, as well as youth and young adults between the ages of 14 and 25; and, includes victims of trafficking in the definitions of “Victim service provider” and “Victim services.”

*Collaborative applicants*

Amends section 402 of the McKinney Vento Act to require collaborative applicants to consider the prevalence and needs of homeless individuals meeting any part of the homeless definition when establishing priorities for funding projects in the geographic area; and, requires collaborative applicants to submit Homeless Management Information System (HMIS) data to the HUD Secretary on at least an annual basis.

*Availability of Homeless Management Information System (HMIS) data*

Amends section 409 of the McKinney Vento Act to require HUD to make aggregate HMIS data publically available on HUD’s website, updated at least annually, and to include cumulative counts, cumulative assessments of patterns of assistance for each geographic area, counts by each collaborative applicant, and counts of women by age range, disability, and length of time homeless.

*Continuum of care applications and grants*

Amends section 422 of the McKinney Vento Act to restrict the HUD Secretary from awarding greater priority, points, or weight based solely on the specific homeless population to be served or the proposed housing or service model; requires the HUD Secretary to ensure that scoring is based primarily on the extent to which the applicant demonstrates that the project and program components would meet the priorities identified in the local plan, and are cost-effective in meeting the overall goals and objectives identified in the local plan; requires applications for grants to demonstrate local, needs-based priorities for funding projects in the geographic area; and, eliminates arbitrary and extraneous limitations, restrictions, and requirements for serving persons defined as homeless under other federal laws.

*High performing communities*

Amends Section 424 of the McKinney Vento Act to eliminate additional arbitrary and extraneous requirements for serving people defined as homeless under other federal laws.

*Supportive services*

Amends section 425 of the McKinney Vento Act to add transportation as an eligible activity, including transportation to employment, early care and education programs, career and technical education programs, and health and mental health care services.

*Program Requirement*

Amends section 426 of the McKinney Vento Act to add child care, career and technical education to the types of services that designated staff in programs serving families or youth must connect children and youth; requires programs to ensure unaccompanied homeless youth are informed of their status as independent students for financial aid purposes and receive verification of that status; requires collaborative applicants to monitor and report on compliance with confidentiality and education certifications; and, adds “unaccompanied youth” to current law requirements to take the educational needs of children and youth into account when families or youth are placed in emergency or transitional shelters, so as not to disrupt their education.

*Selection criteria*

Amends Section 427 of the McKinney Vento Act to eliminate additional arbitrary and extraneous requirements for serving people defined as homeless under other federal laws; includes among the criteria upon which the HUD Secretary must make competitive grants:

(1) a description of how the recipient will collaborate with early care and education agencies and institutions of higher education, as well as local educational agencies; the steps the recipient will take to inform families and youth of their eligibility for early care and education services under other federal laws; and how the recipient will ensure full implementation of this provision; and

(2) for communities that establish and operate a centralized or coordinated assessment system, the extent to which that system ensures that those most in need of assistance receive it; use separate, specific age-appropriate criteria to assess the safety and needs of children and youth that are not related to how the child or youth meet the definition of homeless; is accessible to unaccompanied youth and families; divert people to safe, stable, age-appropriate accommodations; and include youth service providers, local educational agencies, early childhood programs, affordable housing developers, and mental health organizations.

This section also allows the HUD Secretary to include other factors in national competitions, so long as those factors do not prioritize populations or program models unless justified by local data or information contained in local plans; and requires that if communities conduct annual counts of homeless people, they count individuals that meet any part of the definition of homelessness.

*Allocations of amounts and incentives for specific eligible activities*

Amends section 428 of the McKinney-Vento Homeless Assistance Act by adding homeless families with a disabled child to the populations to be served from the minimum allocation for permanent housing; removes the categorical designation of certain program



**SEC. 103. GENERAL DEFINITION OF HOMELESS INDIVIDUAL.**

(a) IN GENERAL.—For purposes of this Act, the terms “homeless”, “homeless individual”, and “homeless person” means—

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

(2) an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

(3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);

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

(5) an individual or family who—

(A) will imminently lose their housing, including housing they own, rent, or live in without paying rent, **【are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations,】** as evidenced by—

(i) a court order resulting from an eviction action that notifies the individual or family that they must leave within **【14 days】** *30 days*; or

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

**【(iii) (i) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 【14 days】 30 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;**

(B) has no subsequent residence identified; and

(C) lacks the resources or support networks needed to obtain other permanent housing; and

**【(6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—**

**【(A) have experienced a long term period without living independently in permanent housing,**

**【(B) have experienced persistent instability as measured by frequent moves over such period, and**

**【(C) can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or child-**

hood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.】

(6) *a child or youth defined as homeless under another Federal program who, without further action by the Department of Housing and Urban Development, has been verified as homeless under another Federal program by the director, designee of the director, or other person responsible for the implementation of a program established under this Act or any other Federal statute.*

(b) DOMESTIC VIOLENCE AND OTHER DANGEROUS OR LIFE-THREATENING CONDITIONS.—Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual’s or family’s current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.

(c) INCOME ELIGIBILITY.—

(1) IN GENERAL.—A homeless individual shall be eligible for assistance under any program provided by this Act, only if the individual complies with the income eligibility requirements otherwise applicable to such program.

(2) EXCEPTION.—Notwithstanding paragraph (1), a homeless individual shall be eligible for assistance under title I of the Workforce Innovation and Opportunity Act.

(d) EXCLUSION.—For purposes of this Act, the term “homeless” or “homeless individual” does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

(e) PERSONS EXPERIENCING HOMELESSNESS.—Any references in this Act to homeless individuals (including homeless persons) or homeless groups (including homeless persons) shall be considered to include, and to refer to, individuals experiencing homelessness or groups experiencing homelessness, respectively.

(f) OTHER DEFINITIONS.—*In this section—*

(1) *the term “child or youth defined as homeless under another Federal program” has the meaning given the term in section 401; and*

(2) *the term “other Federal statute” has the meaning given the term in section 401.*

(g) PROHIBITION.—*The Secretary of Housing and Urban Development may not—*

(1) *promulgate any rule with respect to the definition of the terms “homeless”, “homeless individual”, and “homeless person” in subsection (a); or*

(2) *issue non-regulatory guidance or set forth in an application, a notice of funding availability, or other publication or advisory any statement or provision that—*

(A) *has the effect of restricting eligibility for assistance for any individual defined as “homeless” under subsection (a) for any program or program component under this Act; or*



*(B) purports to be legally binding.*

\* \* \* \* \*

## TITLE IV—HOUSING ASSISTANCE

### Subtitle A—General Provisions

#### SEC. 401. DEFINITIONS.

For purposes of this title:

(1) AT RISK OF HOMELESSNESS.—The term “at risk of homelessness” means, with respect to an individual or family, that the individual or family—

(A) has income below 30 percent of median income for the geographic area;

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

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

[(ii) is living in the home of another because of economic hardship;]

[(iii)] *(ii)* has been notified that their right to occupy their current housing or living situation will be terminated;

[(iv) lives in a hotel or motel;]

[(v)] *(iii)* lives in severely overcrowded housing;

[(vi)] *(iv)* is exiting an institution; or

[(vii)] *(v)* otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.

[(Such term includes all families with children and youth defined as homeless under other Federal statutes.)]

(2) CHILD OR YOUTH DEFINED AS HOMELESS UNDER ANOTHER FEDERAL PROGRAM.—The term “child or youth defined as homeless under another Federal program” means—

(A) a homeless child or youth, as defined in section 725, including any parent or guardian with whom the child or youth is living; and

(B) a youth who—

*(i)* is not more than 22 years of age;

*(ii)* cannot live safely with a parent, legal guardian, or relative; and

*(iii)* has no other safe alternative living arrangement.

[(2)] (3) CHRONICALLY HOMELESS.—

(A) IN GENERAL.—The term “chronically homeless” means, with respect to an individual or family, that the individual or family—

(i) is homeless [and lives or resides in a place not meant for human habitation, a safe haven, or in an emergency shelter] *under any provision of section 103*;

(ii) has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least 1 year or on at least 4 separate occasions in the last 3 years; and

(iii) has an adult head of household **[(or a minor head of household if no adult is present in the household)], a minor head of household (if no adult is present in the household), or a child** with a diagnosable substance use disorder, serious mental illness, developmental disability (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), post traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of 2 or more of those conditions.

(B) **RULE OF CONSTRUCTION.**—A person who currently lives or resides in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital or other similar facility, and has resided there for fewer than 90 days shall be considered chronically homeless if such person met all of the requirements described in subparagraph (A) prior to entering that facility.

**[(3)] (4) COLLABORATIVE APPLICANT.**—The term “collaborative applicant” means an entity that—

(A) carries out the duties specified in section 402;

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

(C) if the entity is a legal entity and is awarded such grant, receives such grant directly from the Secretary.

**[(4)] (5) COLLABORATIVE APPLICATION.**—The term “collaborative application” means an application for a grant under subtitle C that—

(A) satisfies section 422; and

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

**[(5)] (6) CONSOLIDATED PLAN.**—The term “Consolidated Plan” means a comprehensive housing affordability strategy and community development plan required in part 91 of title 24, Code of Federal Regulations.

**[(6)] (7) ELIGIBLE ENTITY.**—The term “eligible entity” means, with respect to a subtitle, a public entity, a private entity, or an entity that is a combination of public and private entities, that is eligible to directly receive grant amounts under such subtitle.

**[(7) FAMILIES WITH CHILDREN AND YOUTH DEFINED AS HOMELESS UNDER OTHER FEDERAL STATUTES.**—The term “families with children and youth defined as homeless under other Federal statutes” means any children or youth that are defined as “homeless” under any Federal statute other than this subtitle, but are not defined as homeless under section 103, and shall also include the parent, parents, or guardian of such children or youth under subtitle B of title VII this Act (42 U.S.C. 11431 et seq.).

**(8) GEOGRAPHIC AREA.**—The term “geographic area” means a State, metropolitan city, urban county, town, village, or other nonentitlement area, or a combination or consortia of such, in

the United States, as described in section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306).

(9) HOMELESS INDIVIDUAL WITH A DISABILITY.—

(A) IN GENERAL.—The term “homeless individual with a disability” means an individual who is homeless, as defined in *any provision of* section 103, and has a disability that—

(i)(I) is expected to be long-continuing or of indefinite duration;

(II) substantially impedes the individual’s ability to live independently;

(III) could be improved by the provision of more suitable housing conditions; and

(IV) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post traumatic stress disorder, or brain injury;

(ii) is a developmental disability, as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002); or

(iii) is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

(B) RULE.—Nothing in clause (iii) of subparagraph (A) shall be construed to limit eligibility under clause (i) or (ii) of subparagraph (A).

(10) LEGAL ENTITY.—The term “legal entity” means—

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

(B) an instrumentality of State or local government; or

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

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

(12) NEW.—The term “new” means, with respect to housing, that no assistance has been provided under this title for the housing.

(13) OPERATING COSTS.—The term “operating costs” means expenses incurred by a project sponsor operating transitional housing or permanent housing under this title with respect to—

(A) the administration, maintenance, repair, and security of such housing;

(B) utilities, fuel, furnishings, and equipment for such housing; or

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

(14) OTHER FEDERAL STATUTE.—The term “other Federal statute” includes—

(A) the *Runaway and Homeless Youth Act* (42 U.S.C. 5701 *et seq.*);

(B) the *Head Start Act* (42 U.S.C. 9831 *et seq.*);

(C) *the Child Care and Development Block Grant of 1990* (42 U.S.C. 9858 *et seq.*);

(D) *subtitle N of the Violence Against Women Act of 1994* (42 U.S.C. 14043e *et seq.*);

(E) *section 330(h) of the Public Health Service Act* (42 U.S.C. 254b(h));

(F) *section 17 of the Child Nutrition Act of 1966* (42 U.S.C. 1786);

(G) *the Higher Education Act of 1965* (20 U.S.C. 1001 *et seq.*); and

(H) *the United States Housing Act of 1937* (42 U.S.C. 1437 *et seq.*).

[(14)] (15) **OUTPATIENT HEALTH SERVICES.**—The term “outpatient health services” means outpatient health care services, mental health services, and outpatient substance abuse services.

[(15)] (16) **PERMANENT HOUSING.**—The term “permanent housing” means community-based housing without a designated length of stay, and includes both permanent supportive housing and permanent housing without supportive services.

[(16)] (17) **PERSONALLY IDENTIFYING INFORMATION.**—The term “personally identifying information” means individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

(A) a first and last name;

(B) a home or other physical address;

(C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);

(D) a social security number; and

(E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information, would serve to identify any individual.

[(17)] (18) **PRIVATE NONPROFIT ORGANIZATION.**—The term “private nonprofit organization” means an organization—

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

(B) that has a voluntary board;

(C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and

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

[(18)] (19) **PROJECT.**—The term “project” means, with respect to activities carried out under subtitle C, eligible activities described in section 423(a), undertaken pursuant to a specific endeavor, such as serving a particular population or providing a particular resource.

[(19)] (20) **PROJECT-BASED.**—The term “project-based” means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

(A) is between—

- (i) the recipient or a project sponsor; and
- (ii) an owner of a structure that exists as of the date the contract is entered into; and

(B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

[(20)] (21) PROJECT SPONSOR.—The term “project sponsor” means, with respect to proposed eligible activities, the organization directly responsible for carrying out the proposed eligible activities.

[(21)] (22) RECIPIENT.—Except as used in subtitle B, the term “recipient” means an eligible entity who—

- (A) submits an application for a grant under section 422 that is approved by the Secretary;
- (B) receives the grant directly from the Secretary to support approved projects described in the application; and
- (C)(i) serves as a project sponsor for the projects; or
- (ii) awards the funds to project sponsors to carry out the projects.

[(22)] (23) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.

[(23)] (24) SERIOUS MENTAL ILLNESS.—The term “serious mental illness” means a severe and persistent mental illness or emotional impairment that seriously limits a person’s ability to live independently.

[(24)] (25) SOLO APPLICANT.—The term “solo applicant” means an entity that is an eligible entity, directly submits an application for a grant under subtitle C to the Secretary, and, if awarded such grant, receives such grant directly from the Secretary.

[(25)] (26) SPONSOR-BASED.—The term “sponsor-based” means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

- (A) is between—
  - (i) the recipient or a project sponsor; and
  - (ii) an independent entity that—
    - (I) is a private organization; and
    - (II) owns or leases dwelling units; and

(B) provides that rental assistance payments shall be made to the independent entity and that eligible persons shall occupy such assisted units.

[(26)] (27) STATE.—Except as used in subtitle B, the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

[(27)] (28) SUPPORTIVE SERVICES.—The term “supportive services” means services that address the special needs of people served by a project, including—

- (A) the establishment and operation of a child care services program for families experiencing homelessness;

(B) the establishment and operation of an employment assistance program, including providing job training;

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

(D) the provision of assistance in obtaining permanent housing, employment counseling, and nutritional counseling;

(E) the provision of outreach services, advocacy, life skills training, and housing search and counseling services;

(F) the provision of mental health services, trauma counseling, and victim services;

(G) the provision of assistance in obtaining other Federal, State, and local assistance available for residents of supportive housing (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment);

(H) the provision of legal services for purposes including requesting reconsiderations and appeals of veterans and public benefit claim denials and resolving outstanding warrants that interfere with an individual's ability to obtain and retain housing;

(I) the provision of—

(i) transportation services that facilitate an individual's ability to obtain and maintain employment; and

(ii) health care; and

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

**[(28)] (29) TENANT-BASED.**—The term “tenant-based” means, with respect to rental assistance, assistance that—

(A) allows an eligible person to select a housing unit in which such person will live using rental assistance provided under subtitle C, except that if necessary to assure that the provision of supportive services to a person participating in a program is feasible, a recipient or project sponsor may require that the person live—

(i) in a particular structure or unit for not more than the first year of the participation;

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

(B) provides that a person may receive such assistance and move to another structure, unit, or geographic area if the person has complied with all other obligations of the program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

**[(29)] (30) TRANSITIONAL HOUSING.**—The term “transitional housing” means housing the purpose of which is to facilitate the movement of individuals and families experiencing home-

lessness to permanent housing within 24 months or such longer period as the Secretary determines necessary.

[(30)] (31) UNIFIED FUNDING AGENCY.—The term “unified funding agency” means a collaborative applicant that performs the duties described in section 402(g).

[(31)] (32) UNDERSERVED POPULATIONS.—The term “underserved populations” includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), *children under 5 years of age, youth and young adults between 14 and 25 years of age*, and any other population determined to be underserved by the Secretary, as appropriate.

[(32)] (33) VICTIM SERVICE PROVIDER.—The term “victim service provider” means a private nonprofit organization whose primary mission is to provide services to victims of *trafficking*, domestic violence, dating violence, sexual assault, or stalking. Such term includes rape crisis centers, battered women’s shelters, domestic violence transitional housing programs, and other programs.

[(33)] (34) VICTIM SERVICES.—The term “victim services” means services that assist *victims of trafficking*, domestic violence, dating violence, sexual assault, or [stalking victims] *stalking*, including services offered by rape crisis centers and domestic violence shelters, and other organizations, with a documented history of effective work concerning *trafficking*, domestic violence, dating violence, sexual assault, or stalking.

#### SEC. 402. COLLABORATIVE APPLICANTS.

(a) ESTABLISHMENT AND DESIGNATION.—A collaborative applicant shall be established for a geographic area by the relevant parties in that geographic area to—

- (1) submit an application for amounts under this subtitle; and
- (2) perform the duties specified in subsection (f) and, if applicable, subsection (g).

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

(c) REMEDIAL ACTION.—If the Secretary finds that a collaborative applicant for a geographic area does not meet the requirements of this section, or if there is no collaborative applicant for a geographic area, the Secretary may take remedial action to ensure fair distribution of grant amounts under subtitle C to eligible entities within that area. Such measures may include designating another body as a collaborative applicant, or permitting other eligible entities to apply directly for grants.

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

(e) APPOINTMENT OF AGENT.—

- (1) IN GENERAL.—Subject to paragraph (2), a collaborative applicant may designate an agent to—
  - (A) apply for a grant under section 422(c);

- (B) receive and distribute grant funds awarded under subtitle C; and
  - (C) perform other administrative duties.
- (2) RETENTION OF DUTIES.—Any collaborative applicant that designates an agent pursuant to paragraph (1) shall regardless of such designation retain all of its duties and responsibilities under this title.
- (f) DUTIES.—A collaborative applicant shall—
- (1) design a collaborative process for the development of an application under subtitle C, and for evaluating the outcomes of projects for which funds are awarded under subtitle B, in such a manner as to provide information necessary for the Secretary—
    - (A) to determine compliance with—
      - (i) the program requirements under section 426; and
      - (ii) the selection criteria described under section 427; and
    - (B) to establish priorities for funding projects in the geographic area involved *considering the prevalence and needs of homeless individuals, as defined under any provision of section 103*;
  - (2) participate in the Consolidated Plan for the geographic area served by the collaborative applicant; and
  - (3) ensure operation of, and consistent participation by, project sponsors in a community-wide homeless management information system (in this subsection referred to as “HMIS”) that—
    - (A) collects unduplicated counts of individuals and families experiencing homelessness;
    - (B) analyzes patterns of use of assistance provided under subtitles B and C for the geographic area involved;
    - (C) provides information to project sponsors and applicants for needs analyses and funding priorities; and
    - (D) is developed in accordance with standards established by the Secretary, including standards that provide for—
      - (i) encryption of data collected for purposes of HMIS;
      - (ii) documentation, including keeping an accurate accounting, proper usage, and disclosure, of HMIS data;
      - (iii) access to HMIS data by staff, contractors, law enforcement, and academic researchers;
      - (iv) rights of persons receiving services under this title;
      - (v) criminal and civil penalties for unlawful disclosure of data; **and**
      - (vi) *the submission of HMIS data to the Secretary on at least an annual basis; and*
      - [(vi)]** *(vii) such other standards as may be determined necessary by the Secretary.*
- (g) UNIFIED FUNDING.—
- (1) IN GENERAL.—In addition to the duties described in subsection (f), a collaborative applicant shall receive from the Secretary and distribute to other project sponsors in the applicable



geographic area funds for projects to be carried out by such other project sponsors, if—

(A) the collaborative applicant—

(i) applies to undertake such collection and distribution responsibilities in an application submitted under this subtitle; and

(ii) is selected to perform such responsibilities by the Secretary; or

(B) the Secretary designates the collaborative applicant as the unified funding agency in the geographic area, after—

(i) a finding by the Secretary that the applicant—

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

(II) would serve the purposes of this Act as they apply to the geographic area; and

(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

(2) REQUIRED ACTIONS BY A UNIFIED FUNDING AGENCY.—A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

(A) require each project sponsor who is funded by a grant received under subtitle C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds awarded to the project sponsor under subtitle C in order to ensure that all financial transactions carried out under subtitle C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

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

(h) CONFLICT OF INTEREST.—No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.

\* \* \* \* \*

**SEC. 409. AVAILABILITY OF HMIS DATA.**

(a) *IN GENERAL.*—The community-wide homeless management information system (in this section referred to as “HMIS”) data provided to the Secretary under section 402(f)(3)(D)(vi) shall be made publically available on the Internet website of the Department of Housing and Urban Development.

(b) *REQUIRED DATA.*—The data publically available under subsection (a) shall be updated on at least an annual basis and shall include—

(1) a cumulative count of the number of homeless individuals and families, as defined under any provision of section 103;

(2) a cumulative assessment of the patterns of assistance provided under subtitles B and C for the each geographic area involved;

(3) a count of the number of homeless individuals and families, as defined under any provision of section 103, that are documented through the HMIS by each collaborative applicant; and

(4) a count of the number of homeless women, as defined under any provision of section 103 and both unaccompanied and accompanied, including a breakout of the count by—

(A) age range;

(B) disability; and

(C) length of time experiencing homelessness.

\* \* \* \* \*

### Subtitle C—Continuum of Care Program

\* \* \* \* \*

#### SEC. 422. CONTINUUM OF CARE APPLICATIONS AND GRANTS.

(a) PROJECTS.—**[The Secretary]**

(1) *IN GENERAL.*—*The Secretary shall award grants, on a competitive basis, and using the selection criteria described in section 427, to carry out eligible activities under this subtitle for projects that meet the program requirements under section 426, either by directly awarding funds to project sponsors or by awarding funds to unified funding agencies.*

(2) *RESTRICTIONS.*—*In awarding grants under paragraph (1), the Secretary—*

(A) *may not award greater priority, points, or weight in scoring based solely on the specific homeless populations proposed to be served by the applicant, or the proposed program component or housing or service model; and*

(B) *shall ensure that scoring is based primarily on the extent to which the applicant demonstrates that the project and program components—*

(i) *would meet the priorities identified in the plan submitted under section 427(b)(1)(B); and*

(ii) *are cost-effective in meeting the overall goals and objectives identified in that plan.*

(b) NOTIFICATION OF FUNDING AVAILABILITY.—**[The Secretary]**

(1) *IN GENERAL.*—*The Secretary shall release a notification of funding availability for grants awarded under this subtitle for a fiscal year not later than 3 months after the date of the enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for such fiscal year.*

(2) *RESTRICTIONS.*—*Each notification of funding availability described in paragraph (1) shall comply with the restrictions described in subsection (a)(2).*

(c) APPLICATIONS.—

(1) *SUBMISSION TO THE SECRETARY.*—*To be eligible to receive a grant under subsection (a), a project sponsor or unified funding agency in a geographic area shall submit an application to the Secretary at such time and in such manner as the Sec-*

retary may require, and containing such information as the Secretary determines necessary—

- (A) to determine compliance with the program requirements and selection criteria under this subtitle; and
- (B) to **[establish]** *demonstrate local, needs-based* priorities for funding projects in the geographic area.

(2) ANNOUNCEMENT OF AWARDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall announce, within 5 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

(B) TRANSITION.—For a period of up to 2 years beginning after the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall announce, within 6 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

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

(1) REQUIREMENTS FOR OBLIGATION.—

(A) IN GENERAL.—Not later than 9 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements, except as provided in subparagraphs (B) and (C).

(B) ACQUISITION, REHABILITATION, OR CONSTRUCTION.—Not later than 24 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor seeking the obligation of funds for acquisition of housing, rehabilitation of housing, or construction of new housing for a grant announced under subsection (c)(2) shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements.

(C) EXTENSIONS.—At the discretion of the Secretary, and in compelling circumstances, the Secretary may extend the date by which a recipient or project sponsor shall meet the requirements described in subparagraphs (A) and (B) if the Secretary determines that compliance with the requirements was delayed due to factors beyond the reasonable control of the recipient or project sponsor. Such factors may include difficulties in obtaining site control for a proposed project, completing the process of obtaining secure financing for the project, obtaining approvals from State or local governments, or completing the technical submission requirements for the project.

(2) OBLIGATION.—Not later than 45 days after a recipient or project sponsor meets the requirements described in paragraph (1), the Secretary shall obligate the funds for the grant involved.

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

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

(B) shall distribute the appropriate portion of the funds to a project sponsor not later than 45 days after receiving a request for such distribution from the project sponsor.

(4) EXPENDITURE OF FUNDS.—The Secretary may establish a date by which funds made available through a grant announced under subsection (c)(2) for a homeless assistance project shall be entirely expended by the recipient or project sponsors involved. The date established under this paragraph shall not occur before the expiration of the 24-month period beginning on the date that funds are obligated for activities described under paragraphs (1) or (2) of section 423(a). The Secretary shall recapture the funds not expended by such date. The Secretary shall reallocate the funds for another homeless assistance and prevention project that meets the requirements of this subtitle to be carried out, if possible and appropriate, in the same geographic area as the area served through the original grant.

(e) RENEWAL FUNDING FOR UNSUCCESSFUL APPLICANTS.—The Secretary may renew funding for a specific project previously funded under this subtitle that the Secretary determines meets the purposes of this subtitle, and was included as part of a total application that met the criteria of subsection (c), even if the application was not selected to receive grant assistance. The Secretary may renew the funding for a period of not more than 1 year, and under such conditions as the Secretary determines to be appropriate.

(f) CONSIDERATIONS IN DETERMINING RENEWAL FUNDING.—When providing renewal funding for leasing, operating costs, or rental assistance for permanent housing, the Secretary shall make adjustments proportional to increases in the fair market rents in the geographic area.

(g) MORE THAN 1 APPLICATION FOR A GEOGRAPHIC AREA.—If more than 1 collaborative applicant applies for funds for a geographic area, the Secretary shall award funds to the collaborative applicant with the highest score based on the selection criteria set forth in section 427.

(h) APPEALS.—

(1) IN GENERAL.—The Secretary shall establish a timely appeal procedure for grant amounts awarded or denied under this subtitle pursuant to a collaborative application or solo application for funding.

(2) PROCESS.—The Secretary shall ensure that the procedure permits appeals submitted by entities carrying out homeless housing and services projects (including emergency shelters and homelessness prevention programs), and all other applicants under this subtitle.

(i) SOLO APPLICANTS.—A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in section 427, but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to participate in a reasonable manner. The Secretary

may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary.

**[(j) FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.—**

**[(1) IN GENERAL.—**A collaborative applicant may use not more than 10 percent of funds awarded under this subtitle (continuum of care funding) for any of the types of eligible activities specified in paragraphs (1) through (7) of section 423(a) to serve families with children and youth defined as homeless under other Federal statutes, or homeless families with children and youth defined as homeless under section 103(a)(6), but only if the applicant demonstrates that the use of such funds is of an equal or greater priority or is equally or more cost effective in meeting the overall goals and objectives of the plan submitted under section 427(b)(1)(B), especially with respect to children and unaccompanied youth.

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

**[(3) TREATMENT OF CERTAIN POPULATIONS.—**

**[(A) IN GENERAL.—**Notwithstanding section 103(a) and subject to subparagraph (B), funds awarded under this subtitle may be used for eligible activities to serve unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) only pursuant to paragraph (1) of this subsection and such families and children shall not otherwise be considered as homeless for purposes of this subtitle.

**[(B) AT RISK OF HOMELESSNESS.—**Subparagraph (A) may not be construed to prevent any unaccompanied youth and homeless families and children defined as homeless under section 103(a)(6) from qualifying for, and being treated for purposes of this subtitle as, at risk of homelessness or from eligibility for any projects, activities, or services carried out using amounts provided under this subtitle for which individuals or families that are at risk of homelessness are eligible.]

\* \* \* \* \*

**SEC. 424. INCENTIVES FOR HIGH-PERFORMING COMMUNITIES.**

**(a) DESIGNATION AS A HIGH-PERFORMING COMMUNITY.—**

**(1) IN GENERAL.—**The Secretary shall designate, on an annual basis, which collaborative applicants represent high-performing communities.

**(2) CONSIDERATION.—**In determining whether to designate a collaborative applicant as a high-performing community under paragraph (1), the Secretary shall establish criteria to ensure that the requirements described under paragraphs (1)(B) and (2)(B) of subsection (d) are measured by comparing homeless individuals and families under similar circumstances, in order to encourage projects in the geographic area to serve homeless individuals and families with more severe barriers to housing stability.

(3) 2-YEAR PHASE IN.—In each of the first 2 years after the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall designate not more than 10 collaborative applicants as high-performing communities.

(4) EXCESS OF QUALIFIED APPLICANTS.—If, during the 2-year period described under paragraph (2), more than 10 collaborative applicants could qualify to be designated as high-performing communities, the Secretary shall designate the 10 that have, in the discretion of the Secretary, the best performance based on the criteria described under subsection (d).

(5) TIME LIMIT ON DESIGNATION.—The designation of any collaborative applicant as a high-performing community under this subsection shall be effective only for the year in which such designation is made. The Secretary, on an annual basis, may renew any such designation.

(b) APPLICATION.—

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

(2) CONTENT OF APPLICATION.—In any application submitted under paragraph (1), a collaborative applicant shall include in such application—

(A) a report showing how any money received under this subtitle in the preceding year was expended; and

(B) information that such applicant can meet the requirements described under subsection (d).

(3) PUBLICATION OF APPLICATION.—The Secretary shall—

(A) publish any report or information submitted in an application under this section in the geographic area represented by the collaborative applicant; and

(B) seek comments from the public as to whether the collaborative applicant seeking designation as a high-performing community meets the requirements described under subsection (d).

(c) USE OF FUNDS.—Funds awarded under section 422(a) to a project sponsor who is located in a high-performing community may be used—

(1) for any of the eligible activities described in section 423;

or

(2) for any of the eligible activities described in paragraphs

(4) and (5) of section 415(a).

(d) DEFINITION OF HIGH-PERFORMING COMMUNITY.—For purposes of this section, the term “high-performing community” means a geographic area that demonstrates through reliable data that all five of the following requirements are met for that geographic area:

(1) TERM OF HOMELESSNESS.—The mean length of episodes of homelessness for that geographic area—

(A) is less than 20 days; or

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

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

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

(B) in similar circumstances who leave homelessness, the percentage of such individuals and families who become homeless again within the next 2 years has decreased by at least 20 percent from the preceding year.

(3) **COMMUNITY ACTION.**—The communities that compose the geographic area have—

(A) actively encouraged homeless individuals and families to participate in homeless assistance services available in that geographic area; and

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

(4) **EFFECTIVENESS OF PREVIOUS ACTIVITIES.**—If recipients in the geographic area have used funding awarded under section 422(a) for eligible activities described under section 415(a) in previous years based on the authority granted under subsection (c), that such activities were effective at reducing the number of individuals and families who became homeless in that community.

【(5) **FLEXIBILITY TO SERVE PERSONS DEFINED AS HOMELESS UNDER OTHER FEDERAL LAWS.**—With respect to collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, effectiveness in achieving the goals and outcomes identified in subsection 427(b)(1)(F) according to such standards as the Secretary shall promulgate.】

(e) **COOPERATION AMONG ENTITIES.**—A collaborative applicant designated as a high-performing community under this section shall cooperate with the Secretary in distributing information about successful efforts within the geographic area represented by the collaborative applicant to reduce homelessness.

**SEC. 425. SUPPORTIVE SERVICES.**

(a) **IN GENERAL.**—To the extent practicable, each project shall provide supportive services for residents of the project and homeless persons using the project, which may be designed by the recipient or participants.

(b) **REQUIREMENTS.**—Supportive services provided in connection with a project shall address the special needs of individuals (such as homeless persons with disabilities and homeless families with children) intended to be served by a project.

(c) **SERVICES.**—Supportive services may include such activities as (A) establishing and operating a child care services program for homeless families, (B) establishing and operating an employment assistance program, (C) providing outpatient health services, food, and case management, (D) providing assistance in obtaining permanent housing, employment counseling, and nutritional counseling, (E) providing security arrangements necessary for the protection of residents of supportive housing and for homeless persons using the housing or project, (F) providing assistance in obtaining other Federal, State, and local assistance available for such resi-

dents (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment), [and (G) providing] *(G) providing transportation to employment, early care and education programs, career and technical education programs, and health and mental health care services, and (H) providing other appropriate services.*

(d) PROVISION OF SERVICES.—Services provided pursuant to this section may be provided directly by the recipient or by contract with other public or private service providers. Such services may be provided to homeless individuals who do not reside in supportive housing.

(e) COORDINATION WITH SECRETARY OF HEALTH AND HUMAN SERVICES.—

(1) APPROVAL.—Promptly upon receipt of any application for assistance under this subtitle that includes the provision of outpatient health services, the Secretary of Housing and Urban Development shall consult with the Secretary of Health and Human Services with respect to the proposed outpatient health services. If, within 45 days of such consultation, the Secretary of Health and Human Services determines that the proposal for delivery of the outpatient health services does not meet guidelines for determining the appropriateness of such proposed services, the Secretary of Housing and Urban Development may require resubmission of the application, and the Secretary of Housing and Urban Development may not approve such portion of the application unless and until such portion has been resubmitted in a form that the Secretary of Health and Human Services determines meets such guidelines.

(2) GUIDELINES.—The Secretary of Housing and Urban Development and the Secretary of Health and Human Services shall jointly establish guidelines for determining the appropriateness of proposed outpatient health services under this section. Such guidelines shall include any provisions necessary to enable the Secretary of Housing and Urban Development to meet the time limits under this subtitle for the final selection of applications for assistance.

**SEC. 426. PROGRAM REQUIREMENTS.**

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

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

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



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

(3) to ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;

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

(A) they will maintain the confidentiality of records pertaining to any individual or family provided family violence prevention or treatment services through the project;

(B) that the address or location of any family violence shelter project assisted under this subtitle will not be made public, except with written authorization of the person responsible for the operation of such project;

(C) they will establish policies and practices that are consistent with, and do not restrict the exercise of rights provided by, subtitle B of title VII, and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;

[(D) in the case of programs that provide housing or services to families, they will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act, and programs authorized under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.); and]

*(D) in the case of programs providing housing or services to families or youth, they will designate a staff person to be responsible for ensuring that children and youth being served in the program are—*

*(i) enrolled in school and connected to appropriate services in the community, including Head Start, part C of the Individuals with Disabilities Act, programs authorized under the Child Care and Development Block Grant Act of 1990, career and technical education, and services provided by local educational agency liaisons designated under subtitle B of title VII of this Act; and*

*(ii) in the case of an unaccompanied youth, as defined in section 725, informed of their status as an independent student under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090); and*

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

(5) if a collaborative applicant is a unified funding agency under section 402(g) and receives funds under subtitle C to carry out the payment of administrative costs described in section 423(a)(11), to establish such fiscal control and fund ac-

counting procedures as may be necessary to assure the proper disbursement of, and accounting for, such funds in order to ensure that all financial transactions carried out with such funds are conducted, and records maintained, in accordance with generally accepted accounting principles;

(6) to monitor and report to the Secretary *the actual compliance with the certifications required under paragraph (4) and the provision of matching funds as required by section 430;*

(7) to take the educational needs of children *and youth* into account when families *or unaccompanied youth* are placed in emergency or transitional shelter and will, to the maximum extent practicable, place families with children *and unaccompanied youth* as close as possible to their school of origin so as not to disrupt **[such children's]** *such children and youth's* education; and

(8) to comply with such other terms and conditions as the Secretary may establish to carry out this subtitle in an effective and efficient manner.

(c) OCCUPANCY CHARGE.—Each homeless individual or family residing in a project providing supportive housing may be required to pay an occupancy charge in an amount determined by the recipient or project sponsor providing the project, which may not exceed the amount determined under section 3(a) of the United States Housing Act of 1937. Occupancy charges paid may be reserved, in whole or in part, to assist residents in moving to permanent housing.

(d) FLOOD PROTECTION STANDARDS.—Flood protection standards applicable to housing acquired, rehabilitated, constructed, or assisted under this subtitle shall be no more restrictive than the standards applicable under Executive Order No. 11988 (May 24, 1977) to the other programs under this title.

(e) PARTICIPATION OF HOMELESS INDIVIDUALS.—The Secretary shall, by regulation, require each recipient or project sponsor to provide for the participation of not less than 1 homeless individual or former homeless individual on the board of directors or other equivalent policymaking entity of the recipient or project sponsor, to the extent that such entity considers and makes policies and decisions regarding any project, supportive services, or assistance provided under this subtitle. The Secretary may grant waivers to applicants unable to meet the requirement under the preceding sentence if the applicant agrees to otherwise consult with homeless or formerly homeless individuals in considering and making such policies and decisions.

(f) LIMITATION ON USE OF FUNDS.—No assistance received under this subtitle (or any State or local government funds used to supplement such assistance) may be used to replace other State or local funds previously used, or designated for use, to assist homeless persons.

(g) TERMINATION OF ASSISTANCE.—If an individual or family who receives assistance under this subtitle (not including residents of an emergency shelter) from a recipient violates program requirements, the recipient may terminate assistance in accordance with a formal process established by the recipient that recognizes the rights of individuals receiving such assistance to due process of law, which may include a hearing.

**SEC. 427. SELECTION CRITERIA.**

(a) **IN GENERAL.**—The Secretary shall award funds to recipients through a national competition between geographic areas based on criteria established by the Secretary.

(b) **REQUIRED CRITERIA.**—

(1) **IN GENERAL.**—The criteria established under subsection (a) shall include—

(A) the previous performance of the recipient regarding homelessness, including performance related to funds provided under section 412 (except that recipients applying from geographic areas where no funds have been awarded under this subtitle, or under subtitles C, D, E, or F of title IV of this Act, as in effect prior to the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, shall receive full credit for performance under this subparagraph), measured by criteria that shall be announced by the Secretary, that shall take into account barriers faced by individual homeless people, and that shall include—

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

(ii) the extent to which individuals and families who leave homelessness experience additional spells of homelessness;

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

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

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

(vi) success at reducing the number of individuals and families who become homeless; *and*

(vii) other accomplishments by the recipient related to reducing homelessness; **[and]**

**[(viii) for collaborative applicants that have exercised the authority under section 422(j) to serve families with children and youth defined as homeless under other Federal statutes, success in achieving the goals and outcomes identified in section 427(b)(1)(F);]**

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

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

(ii) how the length of time that individuals and families remain homeless will be reduced;

**[(iii) how the recipient will collaborate with local education authorities to assist in the identification of individuals and families who become or remain homeless and are informed of their eligibility for services under subtitle B of title VII of this Act (42 U.S.C. 11431 et seq.);]**

*(iii) how the recipient will collaborate with local educational agencies, early care and education programs, and institutions of higher education to assist in the identification of and services to youth and families who become or remain homeless, including the steps the re-*

*recipient will take to inform youth and families of their eligibility for services under part B of subtitle VII of this Act, the Head Start Act (42 U.S.C. 9831 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);*

(iv) the extent to which the recipient will—

(I) address the needs of all relevant subpopulations;

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

(III) set quantifiable performance measures;

(IV) set timelines for completion of specific tasks;

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

(VI) identify an individual or body responsible for overseeing implementation of specific strategies; and

[(v) whether the recipient proposes to exercise authority to use funds under section 422(j), and if so, how the recipient will achieve the goals and outcomes identified in section 427(b)(1)(F);]

*(v) how the recipient will ensure the full implementation of the certifications and agreements described in paragraphs (4)(D) and (7) of section 426(b);*

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

(i) uses periodically collected information and analysis to determine the extent to which each project has resulted in rapid *and appropriate* return to permanent housing for those served by the project, taking into account the severity of barriers faced by the people the project serves;

(ii) considers the full range of opinions from individuals or entities with knowledge of homelessness in the geographic area or an interest in preventing or ending homelessness in the geographic area;

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

(iv) is open to proposals from entities that have not previously received funds under this subtitle;

(D) the extent to which the amount of assistance to be provided under this subtitle to the recipient will be supplemented with resources from other public and private sources, including mainstream programs identified by the Government Accountability Office in the two reports described in section 203(a)(7);

(E) demonstrated coordination by the recipient with the other Federal, State, local, private, and other entities serving individuals and families experiencing homelessness

and at risk of homelessness in the planning and operation of projects;

[(F) for collaborative applicants exercising the authority under section 422(j) to serve homeless families with children and youth defined as homeless under other Federal statutes, program goals and outcomes, which shall include—

[(i) preventing homelessness among the subset of such families with children and youth who are at highest risk of becoming homeless, as such term is defined for purposes of this title; or

[(ii) achieving independent living in permanent housing among such families with children and youth, especially those who have a history of doubled-up and other temporary housing situations or are living in a temporary housing situation due to lack of available and appropriate emergency shelter, through the provision of eligible assistance that directly contributes to achieving such results including assistance to address chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, or multiple barriers to employment; and

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

*(F) for communities that establish and operate a centralized or coordinated assessment system, the extent to which that system—*

*(i) ensures that individuals who are most in need of assistance receive it in a timely manner;*

*(ii) in assessing need under clause (i), uses separate, specific, age-appropriate criteria for assessing the safety and needs of children under 5 years of age, school-age children, unaccompanied youth and young adults between 14 and 25 years of age, and families that are unrelated to the criteria through which an individual qualifies as “homeless” under section 103;*

*(iii) is accessible to unaccompanied youth and homeless families;*

*(iv) diverts individuals to safe, stable, age-appropriate accommodations; and*

*(v) includes affordable housing developers, youth service providers, early childhood programs, local educational agencies, and mental health organizations; and*

*(G) such other factors as the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner, except that such factors may not have the effect of prioritizing or weighting, unless justified by local data or information contained in a plan submitted under subparagraph (B)—*

*(i) any service with respect to a specific subpopulation of homeless individuals over another; or*

(ii) *any program component or housing or service model over another.*

(2) **ADDITIONAL CRITERIA.**—In addition to the criteria required under paragraph (1), the criteria established under paragraph (1) shall also include the need within the geographic area for homeless services, determined as follows and under the following conditions:

(A) **NOTICE.**—The Secretary shall inform each collaborative applicant, at a time concurrent with the release of the notice of funding availability for the grants, of the pro rata estimated grant amount under this subtitle for the geographic area represented by the collaborative applicant.

(B) **AMOUNT.**—

(i) **FORMULA.**—Such estimated grant amounts shall be determined by a formula, which shall be developed by the Secretary, by regulation, not later than the expiration of the 2-year period beginning upon the date of the enactment of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that is based upon factors that are appropriate to allocate funds to meet the goals and objectives of this subtitle.

(ii) **COMBINATIONS OR CONSORTIA.**—For a collaborative applicant that represents a combination or consortium of cities or counties, the estimated need amount shall be the sum of the estimated need amounts for the cities or counties represented by the collaborative applicant.

(iii) **AUTHORITY OF SECRETARY.**—Subject to the availability of appropriations, the Secretary shall increase the estimated need amount for a geographic area if necessary to provide 1 year of renewal funding for all expiring contracts entered into under this subtitle for the geographic area.

[(3) **HOMELESSNESS COUNTS.**—The Secretary shall not require that communities conduct an actual count of homeless people other than those described in paragraphs (1) through (4) of section 103(a) of this Act (42 U.S.C. 11302(a)).]

(3) **HOMELESSNESS COUNTS.**—*The Secretary shall require that communities that conduct an annual count of homeless people shall count homeless individuals as defined under any provision of section 103.*

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

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

(2) to ensure that collaborative applicants are not discouraged from replacing renewal projects with new projects that the collaborative applicant determines will better be able to meet the purposes of this Act.

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

(a) **MINIMUM ALLOCATION FOR PERMANENT HOUSING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH DISABILITIES.**—

(1) **IN GENERAL.**—From the amounts made available to carry out this subtitle for a fiscal year, a portion equal to not less than 30 percent of the sums made available to carry out subtitle B and this subtitle, shall be used for permanent housing for homeless individuals with **disabilities and** *disabilities*, homeless families that include such an individual who is an adult or a minor head of household if no adult is present in the household, *and homeless families where a child has a disability*.

(2) **CALCULATION.**—In calculating the portion of the amount described in paragraph (1) that is used for activities that are described in paragraph (1), the Secretary shall not count funds made available to renew contracts for existing projects under section 429.

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

(4) **SUSPENSION.**—The requirement established in paragraph (1) shall be suspended for any year in which funding available for grants under this subtitle after making the allocation established in paragraph (1) would not be sufficient to renew for 1 year all existing grants that would otherwise be fully funded under this subtitle.

(5) **TERMINATION.**—The requirement established in paragraph (1) shall terminate upon a finding by the Secretary that since the beginning of 2001 at least 150,000 new units of permanent housing for homeless individuals and families with disabilities have been funded under this subtitle.

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

(c) **TREATMENT OF AMOUNTS FOR PERMANENT OR TRANSITIONAL HOUSING.**—Nothing in this Act may be construed to establish a limit on the amount of funding that an applicant may request under this subtitle for acquisition, construction, or rehabilitation activities for the development of permanent housing or transitional housing.

(d) **INCENTIVES FOR PROVEN STRATEGIES.**—

(1) **IN GENERAL.**—The Secretary shall provide bonuses or other incentives to geographic areas for using funding under this subtitle for activities that have been proven to be effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and *promoting* independent living goals as set forth in section 427(b)(1)(F).

**(2) RULE OF CONSTRUCTION.**—For purposes of this subsection, activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation includes—

**(A)** permanent supportive housing for chronically homeless individuals and families;

[(B) for homeless families, rapid rehousing services, short-term flexible subsidies to overcome barriers to rehousing, support services concentrating on improving incomes to pay rent, coupled with performance measures emphasizing rapid and permanent rehousing and with leveraging funding from mainstream family service systems such as Temporary Assistance for Needy Families and Child Welfare services; and

[(C) any other activity determined by the Secretary, based on research and after notice and comment to the public, to have been proven effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 427(b)(1)(F).

[(3) BALANCE OF INCENTIVES FOR PROVEN STRATEGIES.—To the extent practicable, in providing bonuses or incentives for proven strategies, the Secretary shall seek to maintain a balance among strategies targeting homeless individuals, families, and other subpopulations. The Secretary shall not implement bonuses or incentives that specifically discourage collaborative applicants from exercising their flexibility to serve families with children and youth defined as homeless under other Federal statutes.]

(2) *PROHIBITION.*—*The Secretary shall not provide bonuses or other incentives under paragraph (1) that have the effect of prioritizing or weighting, unless justified by local data or information contained in a plan submitted under section 427(b)(1)(B)—*

(A) *any service with respect to a specific subpopulation of homeless individuals over another; or*

(B) *any program component or housing or service model over another.*

(3) *RULE OF CONSTRUCTION.*—*For purposes of this subsection, activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation include any activity determined by the Secretary, after providing notice and an opportunity for public comment, to have been proven effective at—*

(A) *reducing homelessness generally;*

(B) *reducing homelessness for a specific subpopulation;*

(C) *reducing homelessness in a community for populations overrepresented in any counts conducted in that community under section 427(b)(3); or*

(D) *achieving homeless prevention and promoting independent living goals as set forth in section 427(b)(1)(F).*

(4) *ENCOURAGING LOCAL SUCCESS AND INNOVATION.*—*In providing bonuses or incentives under paragraph (1), the Secretary shall seek to encourage the implementation of proven strategies and innovation in reducing homelessness among the local priority populations identified in the plan submitted by an applicant under section 427(b)(1)(B). The Secretary shall not implement bonuses or incentives that promote a national priority established by the Secretary.*

[(e) INCENTIVES FOR SUCCESSFUL IMPLEMENTATION OF PROVEN STRATEGIES.—If any geographic area demonstrates that it has fully



implemented any of the activities described in subsection (d) for all homeless individuals and families or for all members of subpopulations for whom such activities are targeted, that geographic area shall receive the bonus or incentive provided under subsection (d), but may use such bonus or incentive for any eligible activity under either section 423 or paragraphs (4) and (5) of section 415(a) for homeless people generally or for the relevant subpopulation.】

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**【SEC. 434. REPORTS TO CONGRESS.**

【The Secretary shall submit a report to the Congress annually, summarizing the activities carried out under this subtitle and setting forth the findings, conclusions, and recommendations of the Secretary as a result of the activities. The report shall be submitted not later than 4 months after the end of each fiscal year (except that, in the case of fiscal year 1993, the report shall be submitted not later than 6 months after the end of the fiscal year).】

**SEC. 434. REPORTS TO CONGRESS.**

(a) *IN GENERAL.*—*The Secretary shall submit to Congress an annual report, which shall—*

(1) *summarize the activities carried out under this subtitle and set forth the findings, conclusions, and recommendations of the Secretary as a result of the activities; and*

(2) *include, for the year preceding the date on which the report is submitted—*

(A) *data required to be made publically available in the report under section 409; and*

(B) *data on programs funded under any other Federal statute.*

(b) *TIMING.*—*A report under subsection (a) shall be submitted not later than 4 months after the end of each fiscal year.*

\* \* \* \* \*

## MINORITY VIEWS

H.R. 1511 would expand the Department of Housing and Urban Development's (HUD's) definition of homelessness to include youth (under the age of 22) and families with children who are unstably housed but have housing, a definition of homelessness that is used by some other federal agencies. This expanded definition of homelessness would make an additional 4 million people eligible for homeless assistance through HUD—an over 700 percent increase in homeless persons—but would fail to provide any additional funding to support these individuals. Moreover, this legislation would severely limit the HUD Secretary's ability to target funding to the most vulnerable households and incentivize evidence-based strategies. This would almost certainly result in the diversion of funding away from families and youth who are homeless under HUD's current definition and toward those persons whose housing needs can be more easily met. In addition, the bill would undermine efforts to coordinate an effective national strategy to end homelessness. Democrats agree with the goal of helping families and youth that are not currently included in HUD's definition of homelessness, but H.R. 1511 would harm many of the most vulnerable Americans and exacerbate homelessness in America.

In general, HUD's existing definition of homelessness focuses on people who are without a home (e.g. living on the streets, in their car, or in an emergency shelter). Some other federal agencies, including the Department of Education, utilize a broader definition of homelessness that includes people who are unstably housed, but have housing (e.g. temporarily living with extended family or friends or in a motel). According to the most recent point-in-time (PIT) count, there are over 550,000 people who are homeless under HUD's current definition, including almost 115,000 children and approximately 53,000 youth. In other words, over 30 percent of the people who are currently homeless under HUD's definition. Under H.R. 1511, the nearly 170,000 children and youth who are homeless under HUD's current definition of homelessness would be forced to compete with over 4 million additional people for the same amount of resources available for HUD's homeless assistance programs, and the HUD Secretary would be prohibited from targeting resources to help the most at risk children and youth.

Proponents of H.R. 1511 inaccurately suggest that children staying in unsafe housing are not covered by HUD today and that HUD is not prioritizing help for homeless children. For example, Republican witnesses at a Committee hearing argued that sometimes children and youth who are “couch surfing” or doubled up are just as vulnerable as those living on the streets because the people they are forced to live with are abusive or otherwise creating an unsafe

living environment. However, according to HUD guidance,<sup>1</sup> HUD's current definition of homelessness considers these children and youth as homeless and therefore eligible for HUD homeless assistance even if they technically have housing because they do not have a safe place to stay. Republican witnesses also argued that HUD's implementation of its homeless assistance programs has focused on adults and suggested that HUD has diverted funding away from families and youth. However, HUD data on the inventory of beds for families shows an increase of 23 percent since 2012, and a 17 percent increase in beds dedicated for children without parents or guardians.<sup>2</sup>

H.R. 1511 would also undermine efforts by the Obama Administration to coordinate an effective national strategy to end homelessness. For example, the Obama Administration made important progress by incentivizing evidence-based practices like the "housing first" approach and serving chronically homeless people with permanent supportive housing. H.R. 1511 would prohibit the HUD Secretary from setting national priorities or providing incentives for following evidence-based practices or serving specific populations. As Steve Berg with the National Alliance to End Homelessness has stated, "the bill would have the effect of limiting HUD's ability to get the best possible results from this program. The bill would restrict the ability to use funds to address emergent issues or new evidence, about the effectiveness or lack thereof of specific interventions for specific populations."<sup>3</sup>

Proponents of H.R. 1511 have argued that we cannot begin to help these additional families and youth until we are able to count them. To address this, H.R. 1511 would require HUD to expand its annual PIT count to include the millions of additional people that would be included in the new definition. However, the current PIT count is conducted as an annual head count of people who are living in places that are generally visible, like emergency shelters, parks, streets, and other public spaces. It is unclear how HUD grantees are expected to count people who are couch surfing or otherwise unstably housed both in terms of the methodology they would be expected to use, and where they would find the additional resources to expand their administrative capacity to comply with this new requirement. It is also unclear how this new effort would overlap with other ongoing efforts to count these individuals and families. For example, the Department of Education already collects and publicly reports data on the number of children and youth defined homeless under its own definition as identified by the Local Educational Agency liaisons.<sup>4</sup>

Democrats support additional funding to help unstably housed families and youth, and unanimously supported Ranking Member Waters' amendment to H.R. 1511, which provided these resources. Democrats believe that until the necessary resources are available,

<sup>1</sup> Available at: <https://www.hudexchange.info/resources/documents/Determining-Homeless-Status-of-Youth.pdf>

<sup>2</sup> See HUD's CoC Housing Inventory Reports for 2012–2017, available at: <https://www.hudexchange.info/programs/coc/coc-housing-inventory-count-reports/>.

<sup>3</sup> Testimony of Steve Berg, Vice President for Programs and Policy for the National Alliance to End Homelessness, before the Subcommittee on Housing and Insurance, "Legislative Review of H.R. 1511, the 'Homeless Children and Youth Act of 2017'" June 6, 2018.

<sup>4</sup> Available at: [https://nche.ed.gov/pr/data\\_comp.php](https://nche.ed.gov/pr/data_comp.php).

HUD homeless assistance programs must continue to target assistance for individuals and families with the most acute housing needs. Without additional funding to provide adequate resources to those newly defined as homeless under the bill, we oppose H.R. 1511.

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