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SUBCHAPTER I—GENERAL PROVISIONS

§ 11301. Findings and purpose

(a) Findings

The Congress finds that—

(1) the Nation faces an immediate and unprecedented crisis due to the lack of shelter for a growing number of individuals and families, including elderly persons, handicapped persons, families with children, Native Americans, and veterans;

(2) the problem of homelessness has become more severe and, in the absence of more effective efforts, is expected to become dramati-
cally worse, endangering the lives and safety of the homeless; 
(3) the causes of homelessness are many and complex, and homeless individuals have diverse needs; 
(4) there is no single, simple solution to the problem of homelessness because of the different subpopulations of the homeless, the different causes of and reasons for homelessness, and the different needs of homeless individuals; and 
(5) due to the record increase in homelessness, States, units of local government, and private voluntary organizations have been unable to meet the basic human needs of all the homeless and, in the absence of greater Federal assistance, will be unable to protect the lives and safety of all the homeless in need of assistance; and 
(6) the Federal Government has a clear responsibility and an existing capacity to fulfill a more effective and responsible role to meet the basic human needs and to engender respect for the human dignity of the homeless. 

(b) Purpose

It is the purpose of this chapter—
(1) to establish the United States Interagency Council on Homelessness; 
(2) to use public resources and programs in a more coordinated manner to meet the critically urgent needs of the homeless of the Nation; and 
(3) to provide funds for programs to assist the homeless, with special emphasis on elderly persons, handicapped persons, families with children, Native Americans, and veterans.


REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 100–77, July 22, 1987, 101 Stat. 484, known as the McKinney-Vento Homeless Assistance Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below.

AMENDMENTS


SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111–320, §1, Oct. 27, 2009, 123 Stat. 1676, provided that: “This title [enacting sections 11301 to 11304, 11311 to 11318, 11319, 11320, 11343 to 11346, and 11349 to 11351 of this title] may be cited as the ‘McKinney-Vento Homeless Education Assistance Improvements Act of 2009’.”

SHORT TITLE OF 2004 AMENDMENT


SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102–550, title XIV, §1401, Oct. 28, 1992, 106 Stat. 4012, provided that: “This title [amending sections 11301 to 11306, 11311 to 11319, 11352, 11361, 11373 to 11375, 11377, 11378, 11387, 11390, 11392 to 11399, 11401, 11403 to 11406, and 11409 of this title, transferring sections 11361 and under sections 11361, 11381, and 11411 of this title, amending provisions set out as a note under this section, and repealing provisions set out as notes preceding section 11361 and under sections 11361, 11381, and 11411 of this title, amending provisions set out as a note under this section, and repealing provisions set out as notes under sections 11361, 11381, and 11391 of this title] may be cited as the ‘Stewart B. McKinney Homeless Housing Assistance Amendments Act of 1992’.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–645, §1(a), Nov. 29, 1990, 104 Stat. 4673, provided that: “This Act [enacting sections 5118 to 5118b, 11434a, 11465, 11466, and 11489 of this title and section 1763a of Title 29, Labor, amending sections 256, 2900c–2, 2900c–3 to 2900c–35, 11302, 11312, 11318, 11319, 11332, 11352, 11411, 11421, 1143 to 11435, 11439, 11449, 11450, 11463, and 11464 of this title, enacting provisions set out as notes under this section, sections 5118, 11302, 11312, 1143 to 11463, and 11464 of this title, and enacting provisions set out as notes under sections 5118 and 11493 of this title] may be cited as the ‘Stewart B. McKinney Homeless Assistance Amendments Act of 1990’.”

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 105–128, title VI, §601, Nov. 29, 1996, 110 Stat. 1457, provided that: “This title [enacting sections 5118 to 5118b, 11434a, 11465, 11466, and 11489 of this title and section 1763a of Title 29, Labor, amending sections 256, 2900c–2, 2900c–3 to 2900c–35, 11302, 11312, 11318, 11319, 11332, 11352, 11411, 11421, 1143 to 11435, 11439, 11449, 11450, 11463, and 11464 of this title, enacting provisions set out as notes under this section, sections 5118, 11302, 11312, 1143 to 11463, and 11464 of this title, and enacting provisions set out as notes under sections 5118 and 11493 of this title] may be cited as the ‘Stewart B. McKinney Homeless Assistance Amendments Act of 1996’.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–645, §1(a), Nov. 29, 1990, 104 Stat. 4673, provided that: “This Act [enacting sections 5118 to 5118b, 11434a, 11435, 11465, 11466, and 11489 of this title and section 1763a of Title 29, Labor, amending sections 256, 2900c–2, 2900c–3 to 2900c–35, 11302, 11312, 11318, 11319, 11332, 11352, 11411, 11421, 1143 to 11435, 11439, 11449, 11450, 11463, and 11464 of this title, enacting provisions set out as notes under this section, sections 5118, 11302, 11312, 1143 to 11463, and 11464 of this title, and enacting provisions set out as notes under sections 5118 and 11493 of this title] may be cited as the ‘Stewart B. McKinney Homeless Assistance Amendments Act of 1990’.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–645, §1(a), Nov. 29, 1990, 104 Stat. 4673, provided that: “This Act [enacting sections 5118 to 5118b, 11434a, 11465, 11466, and 11489 of this title and section 1763a of Title 29, Labor, amending sections 256, 2900c–2, 2900c–3 to 2900c–35, 11302, 11312, 11318, 11319, 11332, 11352, 11411, 11421, 1143 to 11435, 11439, 11449, 11450, 11463, and 11464 of this title, enacting provisions set out as notes under this section, sections 5118, 11302, 11312, 1143 to 11463, and 11464 of this title, and enacting provisions set out as notes under sections 5118 and 11493 of this title] may be cited as the ‘Stewart B. McKinney Homeless Assistance Amendments Act of 1990’.”

SHORT TITLE OF 1990 AMENDMENT
this title, sections 1454, 1701x, 1701s–11, 1709, 1710, 1715s–1a, 1715s–12, 1715s–20, 1717, 2805, and 2806 of Title 12, Banks and Banking, sections 1701 and 1719 of Title 12, Commerce and Trade, and sections 49, 49a, 49h, 49d to 49j, 49h–1, 1502, 1504, 1505, 1514, 1516, 1531, and 1602 of Title 29, enacting provisions set out as notes under this section and sections 256, 1437, 1457, 1472, 11303, 1371, 1371i, 13813, 11383, 11384, 11391, and 11501 of this title, sections 1710 and 1715s–1a of Title 12, section 2601 of Title 15, and section 1501 of Title 29, and amending provisions set out as notes under sections 290aa–3, 1472, 1490m, and 4822 of this title, sections 1702–6, 1709, 1715s–2, and 2802 of Title 12, and section 49 of Title 29) may be cited as the 'Stewart B. McKinney Homeless Assistance Amendments Act of 1988'.

**SHORT TITLE**

Section 101(a) of Pub. L. 100–77, as amended by Pub. L. 106–400, § 1, Oct. 30, 2000, 114 Stat. 1675, Pub. L. 107–116, title VI, § 634(a), Jan. 10, 2002, 115 Stat. 2228, provided that: "This Act (enacting this chapter and sections 256 and 2806–21 to 2806–36 of this title, amending sections 290aa–3 and 290aa–4, sections 290bb–2, and 290bb–3 of Title 29, and section 1148 of this title, sections 1710 and 1715s–1a of Title 12, section 2601 of Title 15, and section 1501 of Title 29, and amending provisions set out as notes under sections 290aa–3, 1472, 1490m, and 4822 of this title, sections 1702–6, 1709, 1715s–2, and 2802 of Title 12, and section 49 of Title 29) may be cited as the 'McKinney-Vento Homeless Assistance Act'."

**REGULATIONS**

Pub. L. 111–22, div. B, title V, § 1504, May 20, 2009, 123 Stat. 1702, provided that: "(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this division [May 20, 2009], the Secretary of Housing and Urban Development shall promulgate regulations governing the operation of the programs that are created or modified by this division [see Short Title of 2009 Amendment note above].

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this division."

Pub. L. 106–400, title IV, § 485, Nov. 7, 1998, 102 Stat. 3238, provided that: "Not later than 60 days after the date of the enactment of this Act [Nov. 7, 1998], the Secretary of Housing and Urban Development shall promulgate regulations governing the operation of the programs that are created or modified by this division [see Short Title of 2009 Amendment note above]."

**FINDINGS AND PURPOSES**


(1) a lack of affordable housing and limited scale of housing assistance programs are the primary causes of homelessness; and

(2) homelessness affects all types of communities in the United States, including rural, urban, and suburban areas."

**REFERENCES TO STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT**


**INNOVATIVE HOMELESS INITIATIVES DEMONSTRATION PROGRAM**

Pub. L. 103–120, § 2, Oct. 27, 1993, 107 Stat. 1144, as amended by Pub. L. 104–330, title V, § 506(b), Oct. 26, 1996, 110 Stat. 4045, directed Secretary of Housing and Urban Development, through cooperative efforts in partnership with other levels of government and the private sector, including nonprofit organizations, foundations, and communities, to demonstrate methods of undertaking comprehensive strategies for assisting homeless individuals and families (including homeless individuals who have AIDS or who are infected with HIV), through a variety of activities, including the coordination of efforts and the filling of gaps in available services and resources, directed Secretary to provide comprehensive homeless demonstration grants and innovative project funding, and provided for submission of reports and authorization of appropriations, prior to repeal by Pub. L. 109–120, § 2(a), Oct. 27, 1993, 107 Stat. 1148.

**STRATEGY TO ELIMINATE UNFIT TRANSIENT FACILITIES**

Pub. L. 101–625, title VIII, § 825, Nov. 28, 1990, 104 Stat. 4556, as amended by Pub. L. 102–550, title XIV, § 1412, Oct. 28, 1992, 106 Stat. 4039, directed Secretary of Housing and Urban Development, not more than 9 months after Oct. 28, 1992, to identify the States and units of general local government using unfit transient facilities as housing for homeless families with children and develop and publish in the Federal Register a strategy to eliminate such use by July 1, 1994, and in developing such strategy, to consult with the Secretary of the Department of Health and Human Services, the Administrator of the Federal Emergency Management Agency, other appropriate Federal officials, appropriate States and units of general local government, major organizations representing homeless persons and others.
§ 11302. General definition of homeless individual

(a) In general

For purposes of this chapter, the terms "homeless", "homeless individual", and "homeless person" mean—

(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) has experienced a long term period of homelessness, respectively.

(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 chapter, 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 Investment Act of 1998 [29 U.S.C. 2801 et seq.].

(d) Exclusion

For purposes of this chapter, 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 chapter 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.

References in Text

This chapter, referred to in subsecs. (a), (c)(1), (d), and (e), was in the original "this Act", meaning Pub. L. 100–77.