

AMENDMENTS

1992—Pub. L. 102-507 designated existing provisions as subsec. (a), substituted “sections 11291 and 11293 of this title” for “this subchapter”, and added subsec. (b).

CHAPTER 119—HOMELESS ASSISTANCE

SUBCHAPTER I—GENERAL PROVISIONS

Sec.	
11301.	Findings and purpose.
11302.	General definition of homeless individual.
11303.	Funding availability and limitations.
11304.	Evaluation by Comptroller General.

SUBCHAPTER II—UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

11311.	Establishment.
11312.	Membership.
11313.	Functions.
11314.	Director and staff.
11315.	Powers.
11316.	Transfer of functions.
11317.	Definitions.
11318.	Authorization of appropriations.
11319.	Termination.
11320.	Encouragement of State involvement.

SUBCHAPTER III—FEDERAL EMERGENCY MANAGEMENT FOOD AND SHELTER PROGRAM

PART A—ADMINISTRATIVE PROVISIONS

11331.	Emergency Food and Shelter Program National Board.
11332.	Local boards.
11333.	Role of Federal Emergency Management Agency.
11334.	Records and audit of National Board and recipients of assistance.
11335.	Annual report.

PART B—EMERGENCY FOOD AND SHELTER GRANTS

11341.	Grants by Director.
11342.	Retention of interest earned.
11343.	Purposes of grants.
11344.	Limitation on certain costs.
11345.	Disbursement of funds.
11346.	Program guidelines.

PART C—GENERAL PROVISIONS

11351.	Definitions.
11352.	Authorization of appropriations.

SUBCHAPTER IV—HOUSING ASSISTANCE

PART A—GENERAL PROVISIONS

11360.	Definitions.
11360a.	Collaborative applicants.
11361.	Housing affordability strategy.
11361a.	Preventing involuntary family separation.
11361b.	Technical assistance.
11362.	Discharge coordination policy.
11363.	Protection of personally identifying information by victim service providers.
11364.	Authorization of appropriations.
11364a.	Availability of amounts recaptured from appropriated funds.

PART B—EMERGENCY SOLUTIONS GRANTS PROGRAM

11371.	Definitions.
11372.	Grant assistance.
11372a.	Amount and allocation of assistance.
11373.	Allocation and distribution of assistance.
11374.	Eligible activities.
11375.	Responsibilities of recipients.
11376.	Administrative provisions.
11377.	Repealed.

Sec.	
11378.	Administrative costs.

PART C—CONTINUUM OF CARE PROGRAM

11381.	Purposes.
11382.	Continuum of care applications and grants.
11383.	Eligible activities.
11384.	Incentives for high-performing communities.
11385.	Supportive services.
11386.	Program requirements.
11386a.	Selection criteria.
11386b.	Allocation of amounts and incentives for specific eligible activities.
11386c.	Renewal funding and terms of assistance for permanent housing.
11386d.	Matching funding.
11386e.	Appeal procedure.
11386f.	Geographic areas.
11387.	Regulations.
11388.	Reports to Congress.
11389.	Repealed.

PART D—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

11408.	Rural housing stability grant program.
11408a.	Use of FMHA inventory for transitional housing for homeless persons and for turnkey housing.

SUBCHAPTER V—IDENTIFICATION AND USE OF SURPLUS FEDERAL PROPERTY

11411.	Use of unutilized and underutilized public buildings and real property to assist the homeless.
11412.	Making surplus personal property available to nonprofit agencies.

SUBCHAPTER VI—EDUCATION AND TRAINING

PART A—ADULT EDUCATION FOR HOMELESS

11421.	Repealed.
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PART B—EDUCATION FOR HOMELESS CHILDREN AND YOUTHS

11431.	Statement of policy.
11432.	Grants for State and local activities for the education of homeless children and youths.
11433.	Local educational agency subgrants for the education of homeless children and youths.
11434.	Secretarial responsibilities.
11434a.	Definitions.
11435.	Authorization of appropriations.

PART C—JOB TRAINING FOR HOMELESS

11441 to 11450.	Repealed.
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PART D—EMERGENCY COMMUNITY SERVICES HOMELESS GRANT PROGRAM

11461 to 11466.	Repealed.
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PART E—MISCELLANEOUS PROVISIONS

11471, 11472.	Repealed.
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PART F—FAMILY SUPPORT CENTERS

11481 to 11489.	Repealed.
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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 dramatically 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;

(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.

(Pub. L. 100-77, title I, §102, July 22, 1987, 101 Stat. 484; Pub. L. 108-199, div. G, title II, §216(2), Jan. 23, 2004, 118 Stat. 394.)

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. 482, 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 and Tables.

AMENDMENTS

2004—Subsec. (b)(1). Pub. L. 108-199 substituted “the United States Interagency Council on Homelessness” for “an Interagency Council on the Homeless”.

SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111-22, div. B, §1001(a), May 20, 2009, 123 Stat. 1663, provided that: “This division [enacting sections 11318, 11360, 11360a, 11361a, 11361b, 11363, 11364, 11372, 11372a, 11374, 11381 to 11384, and 11386a to 11386e of this title, redesignating part G of subchapter IV of this chapter as part D of subchapter IV of this chapter, amending sections 11302, 11311 to 11313, 11315, 11361, 11362, 11373 to 11376, 11378, 11386, 11387, 11388, and 11408 of this title, repealing sections 11318, 11372, 11374, 11377, 11381 to 11384, and 11389 of this title and parts D to F of

subchapter IV of this chapter, and enacting provisions set out as notes under this section and sections 11302 and 11311 of this title] may be cited as the ‘Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009’.”

SHORT TITLE OF 2002 AMENDMENT

Pub. L. 107-110, title X, §1031, Jan. 8, 2002, 115 Stat. 1989, provided that: “This part [part C (§§1031-1034) of title X of Pub. L. 107-110, enacting sections 11431 to 11435 of this title and provisions set out as a note below and amending provisions set out as a note below] may be cited as the ‘McKinney-Vento Homeless Education Assistance Improvements Act of 2001’.”

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-421, §1, Oct. 25, 1994, 108 Stat. 4346, provided that: “This Act [amending section 11411 of this title and enacting and amending provisions set out as notes under section 2687 of Title 10, Armed Forces] may be cited as the ‘Base Closure Community Redevelopment and Homeless Assistance Act of 1994’.”

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-120, §1, Oct. 27, 1993, 107 Stat. 1144, provided that: “This Act [amending sections 1490o and 12724 of this title and sections 1701z-11, 1721, and 1735f-9 of Title 12, Banks and Banking, enacting provisions set out as notes under this section and sections 1437f, 1490o, and 9816 of this title, and amending a provision set out as a note under section 1437f of this title] may be cited as the ‘HUD Demonstration Act of 1993’.”

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102-550, title XIV, §1401, Oct. 28, 1992, 106 Stat. 4012, provided that: “This title [enacting sections 11381 to 11389, 11391 to 11399, 11403e-4, 11404, 11405 to 11405b, 11406 to 11406b, 11407 to 11407b, 11408, and 11408a of this title, transferring sections 11404c to 11404e of this title to sections 11403e-1 to 11403e-3 of this title, respectively, amending sections 11318, 11319, 11346, 11352, 11374, 11375, 11377, 11401, 11403a, 11403c to 11403e, 11403g, 11403h, 11404a, and 11404b of this title, repealing sections 11381 to 11388, 11391 to 11394, 11404, 11405 to 11405c, and 11406 to 11406c of this title, enacting 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, 11391, and 11399 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 5118e, 11434a, 11465, 11466, and 11481 to 11489 of this title and section 1703a of Title 29, Labor, amending sections 256, 290bb-2, 290cc-21 to 290cc-35, 11302, 11312, 11318, 11319, 11332, 11352, 11411, 11421, 11431 to 11435, 11443, 11449, 11450, 11463, and 11464 of this title, enacting provisions set out as notes under this section, sections 5118, 11332, 11411, and 11463 of this title, and section 141 of Title 13, Census, and amending provisions set out as a note under section 290aa-3 of this title] may be cited as the ‘Stewart B. McKinney Homeless Assistance Amendments Act of 1990’.”

Pub. L. 101-645, title VI, §601, Nov. 29, 1990, 104 Stat. 4734, provided that: “This title [enacting sections 5118 to 5118e, 11434a, 11465, 11466, and 11481 to 11489 of this title and section 1703a of Title 29, Labor, amending sections 11302, 11421, 11431 to 11435, 11443, 11449, 11450, 11463, and 11464 of this title, and enacting provisions set out as notes under sections 5118 and 11463 of this title] may be cited as the ‘Stewart B. McKinney Homeless Assistance Amendments Act of 1990’.”

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100-628, §1(a), Nov. 7, 1988, 102 Stat. 3224, provided that: “This Act [enacting sections 3544, 11320, and

11402 of this title and sections 1583, 1791 to 1791j of Title 29, Labor, amending sections 254e, 256, 290bb-2, 290cc-21, 290cc-28, 290cc-29, 290cc-35, 290cc-36, 290dd, 290ee, 290ee-1, 503, 504, 602, 1437d, 1437f, 1437n, 1437o, 1437r, 1472, 1480, 1484 to 1486, 1490o, 3002, 3015, 3021, 3025 to 3027, 3031, 3035a, 3056e, 4013, 4121, 4822, 5302, 5304, 5306, 5318, 8103, 11304, 11313, 11318, 11319, 11352, 11361, 11373 to 11375, 11377, 11382 to 11385, 11387, 11388, 11392, 11394, 11401, 11411, 11421, 11432, 11433, 11435, 11447, 11449, 11462 to 11464, and 11501 of this title, sections 1454, 1701x, 1701z-11, 1709, 1710, 1715z-1a, 1715z-12, 1715z-20, 1717, 2805, and 2806 of Title 12, Banks and Banking, sections 1701 and 1719 of Title 15, Commerce and Trade, and sections 49, 49a, 49b, 49d to 49j, 49l, 49l-1, 1502, 1504, 1505, 1514, 1516, 1531, and 1602 of Title 29, enacting provisions set out as notes under this section and sections 256, 1437d, 1437f, 1472, 11303, 11374, 11381, 11383, 11384, 11392, 11401, and 11501 of this title, sections 1710 and 1715z-1a of Title 12, section 2661 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 1701z-6, 1709, 1715l, 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

Pub. L. 100-77, title I, §101(a), July 22, 1987, 101 Stat. 482, as amended by Pub. L. 106-400, §1, Oct. 30, 2000, 114 Stat. 1675; Pub. L. 107-110, title X, §1034(a), Jan. 8, 2002, 115 Stat. 2006; 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 290cc-21 to 290cc-36 of this title, amending sections 254e, 290bb-1a, 290bb-2, and 5302 of this title, sections 2012, 2014, 2020, and 2025 of Title 7, Agriculture, sections 1205 and 1207a of Title 20, Education, sections 1503 and 1551 of Title 29, Labor, and section 484 of former Title 40, Public Buildings, Property, and Works, repealing section 256a of this title, enacting provisions set out as notes under this section and section 290aa-3 of this title and sections 2012, 2014, and 2020 of Title 7, and amending provisions set out as notes under section 612c of Title 7 and section 1721 of Title 29] may be cited as the ‘McKinney-Vento Homeless Assistance Act.’”

[Pub. L. 107-110, title X, §1034(b), Jan. 8, 2002, 115 Stat. 2007, provided that: “The amendment made by subsection (a) [amending section 1 of Pub. L. 106-400, which amended section 101(a) of Pub. L. 100-77 set out above] shall be deemed to be effective on the date of enactment of Public Law 106-400.”]

[Pub. L. 107-116, title VI, §634(b), Jan. 10, 2002, 115 Stat. 2228, provided that: “The amendment made by subsection (a) of this section [which directed the amendment of section 101(a) of Pub. L. 100-77, set out above] is deemed to have taken effect immediately after the enactment of Public Law 106-400 [which was approved Oct. 30, 2000] (114 Stat. 1675).”]

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. 100-628, title IV, §485, Nov. 7, 1988, 102 Stat. 3239, provided that: “Not later than 60 days after the date of the enactment of this Act [Nov. 7, 1988], the Secretary of Housing and Urban Development or other Federal entity involved shall by notice establish such requirements as may be necessary to carry out the amendments made by titles I through IV [see Tables for classification] and by section 501(2)(B) [amending section 11411 of this title]. The Secretary or other Federal entity involved shall issue regulations based on the no-

tice not later than 12 months after the date of the enactment of this Act.”

FINDINGS AND PURPOSES

Pub. L. 111-22, div. B, §1002, May 20, 2009, 123 Stat. 1664, provided that:

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

“(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.

“(b) PURPOSES.—The purposes of this division [see Short Title of 2009 Amendment note above] are—

“(1) to consolidate the separate homeless assistance programs carried out under title IV of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11360 et seq.] (consisting of the supportive housing program and related innovative programs, the safe havens program, the section 8 [42 U.S.C. 1437f] assistance program for single-room occupancy dwellings, and the shelter plus care program) into a single program with specific eligible activities;

“(2) to codify in Federal law the continuum of care planning process as a required and integral local function necessary to generate the local strategies for ending homelessness; and

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

REFERENCES TO STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT

Pub. L. 106-400, §2, Oct. 30, 2000, 114 Stat. 1675, provided that: “Any reference in any law, regulation, document, paper, or other record of the United States to the Stewart B. McKinney Homeless Assistance Act shall be deemed to be a reference to the ‘McKinney-Vento 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. 103-120, §2(g), Oct. 27, 1993, 107 Stat. 1148.

STRATEGY TO ELIMINATE UNFIT TRANSIENT FACILITIES

Pub. L. 101-625, title VIII, §825, Nov. 28, 1990, 104 Stat. 4356, 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 other experts.

REPORT ON EFFECT OF RENT CONTROL ON
HOMELESSNESS

Pub. L. 100-628, title IV, § 483, Nov. 7, 1988, 102 Stat. 3238, directed Secretary of Housing and Urban Development, within 12 months after Nov. 7, 1988, to submit to Congress a report evaluating the impact of local housing rent controls and regulations on rate of homelessness, and on the development, supply, availability, and affordability of housing, in major cities in the United States, with report to include additional specified information.

REQUIREMENT OF CERTAIN STUDY WITH RESPECT TO
HOMELESSNESS

Pub. L. 100-77, title VI, § 603, July 22, 1987, 101 Stat. 515, directed Secretary of Health and Human Services, not later than 18 months after July 22, 1987, to complete a study with respect to determining extent to which mental health deinstitutionalization policies of States are contributing to problem of homelessness, and submit to Congress the findings made as a result of such study, including any recommendations with respect to administrative and legislative initiatives that could reduce the number of chronically mentally ill individuals who are homeless.

§ 11302. General definition of homeless individual

(a) In general

For purposes of this chapter, the terms “homeless”, “homeless individual”, and “homeless person” means¹

(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;

(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) 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, 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 childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

(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 Innovation and Opportunity Act [29 U.S.C. 3111 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

¹ So in original. Probably should be “mean—”.