

Union Calendar No. 583

110TH CONGRESS
2D SESSION

H. R. 840

[Report No. 110-906]

To amend the McKinney-Vento Homeless Assistance Act to consolidate the housing assistance programs for homeless persons under title IV of such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2007

Ms. CARSON (for herself, Mr. DAVIS of Kentucky, Ms. LEE, and Mr. RENZI) introduced the following bill; which was referred to the Committee on Financial Services

OCTOBER 2, 2008

Additional sponsors: Ms. CORRINE BROWN of Florida, Mr. FATTAH, Mrs. CHRISTENSEN, Mr. McGOVERN, Ms. KILPATRICK, Mr. MORAN of Virginia, Ms. CASTOR, Mr. CARNAHAN, Mr. SIRES, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Mr. CUMMINGS, Ms. SCHWARTZ, Mr. DAVIS of Illinois, Mr. HINOJOSA, Mr. McHUGH, Mr. CLEAVER, Ms. BORDALLO, Mr. STARK, Mr. LYNCH, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. CLAY, Ms. HIRONO, Ms. MOORE of Wisconsin, Mr. RUSH, Mr. RANGEL, Mr. AL GREEN of Texas, Mr. LANTOS, Ms. WOOLSEY, Mr. COHEN, Mr. JEFFERSON, Mr. BISHOP of New York, Mrs. NAPOLITANO, Mr. HOLT, Mr. HINCHEY, Mr. HONDA, Ms. BERKLEY, Mrs. JONES of Ohio, Mr. DELAHUNT, Mr. BLUMENAUER, Mr. ABERCROMBIE, Ms. WATSON, Mrs. MALONEY of New York, Mr. SERRANO, Mr. JACKSON of Illinois, Mr. LEWIS of Kentucky, Mr. ROTHMAN, Mr. MEEK of Florida, Ms. NORTON, Mr. ELLISON, Mr. KAGEN, Ms. MCCOLLUM of Minnesota, Ms. CLARKE, Mr. YARMUTH, Mr. WILSON of Ohio, Mr. RYAN of Ohio, Mr. SCOTT of Georgia, Mr. FILNER, Mr. HARE, Mr. PASTOR, Mr. UDALL of New Mexico, Mr. CAPUANO, Ms. ESHOO, Mr. ISRAEL, Mr. GEORGE MILLER of California, Mr. DONNELLY, Ms. SUTTON, Mr. WEINER, Ms. HARMAN, Mr. WEXLER, Mr. GUTIERREZ, Mr. BERRY, Mr. MOORE of Kansas, Mr. BERMAN, Mr. MURTHA, Mr. KILDEE, Mr. BRADY of Pennsylvania, Ms. HERSETH SANDLIN, and Mr. PALLONE

OCTOBER 2, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 6, 2007]

A BILL

To amend the McKinney-Vento Homeless Assistance Act to consolidate the housing assistance programs for homeless persons under title IV of such Act, and for other purposes.

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

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

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

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

Sec. 1. Short title and table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definition of homelessness.

Sec. 4. United States Interagency Council on Homelessness.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

Sec. 101. Definitions.

Sec. 102. Community homeless assistance planning boards.

Sec. 103. General provisions.

Sec. 104. Protection of personally identifying information by victim service providers.

Sec. 105. Authorization of appropriations.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

Sec. 201. Grant assistance.

Sec. 202. *Eligible activities.*

Sec. 203. *Participation in Homeless Management Information System.*

Sec. 204. *Administrative provision.*

TITLE III—CONTINUUM OF CARE PROGRAM

Sec. 301. *Continuum of care.*

Sec. 302. *Eligible activities.*

Sec. 303. *High performing communities.*

Sec. 304. *Program requirements.*

Sec. 305. *Selection criteria, allocation amounts, and funding.*

Sec. 306. *Research.*

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

Sec. 401. *Rural housing stability assistance.*

Sec. 402. *GAO study of homelessness and homeless assistance in rural areas.*

TITLE V—REPEALS AND CONFORMING AMENDMENTS

Sec. 501. *Repeals.*

Sec. 502. *Conforming amendments.*

Sec. 503. *Effective date.*

Sec. 504. *Regulations.*

Sec. 505. *Amendment to table of contents.*

1 SEC. 2. FINDINGS AND PURPOSES.

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

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

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

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

10 (1) *to consolidate the separate homeless assist-*
 11 *ance programs carried out under title IV of the*
 12 *McKinney-Vento Homeless Assistance Act (consisting*
 13 *of the supportive housing program and related inno-*
 14 *vative programs, the safe havens program, the section*

1 8 assistance program for single-room occupancy
2 dwellings, and the shelter plus care program) into a
3 single program with specific eligible activities;

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

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

11 **SEC. 3. DEFINITION OF HOMELESSNESS.**

12 (a) *IN GENERAL.*—Section 103 of the McKinney-Vento
13 *Homeless Assistance Act* (42 U.S.C. 11302) is amended—
14 (1) by redesignating subsections (b) and (c) as
15 subsections (c) and (d); and

16 (2) by striking subsection (a) and inserting the
17 following:

18 “(a) *IN GENERAL.*—For purposes of this Act, the terms
19 ‘homeless’, ‘homeless individual’, and ‘homeless person’
20 means—

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

23 “(2) an individual or family with a primary
24 nighttime residence that is a public or private place
25 not designed for or ordinarily used as a regular sleep-

1 *ing accommodation for human beings, including a*
2 *car, park, abandoned building, bus or train station,*
3 *airport, or camping ground;*

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

11 “*(4) an individual who resided in a shelter or*
12 *place not meant for human habitation and who is*
13 *exiting an institution where he or she temporarily re-*
14 *sided; and*

15 “*(5) an individual or family who—*

16 “*(A) will imminently lose their housing, in-*
17 *cluding housing they own, rent, or live in with-*
18 *out paying rent, are sharing with others, and*
19 *rooms in hotels or motels not paid for by Fed-*
20 *eral, State, or local government programs for*
21 *low-income individuals or by charitable organi-*
22 *zations, as evidenced by—*

23 “*(i) a court order resulting from an*
24 *eviction action that notifies the individual*

1 *or family that they must leave within 14*
2 *days;*

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

8 “*(iii) credible evidence indicating that*
9 *the owner or renter of the housing will not*
10 *allow the individual or family to stay for*
11 *more than 14 days, and any oral statement*
12 *from an individual or family seeking home-*
13 *less assistance that is found to be credible*
14 *shall be considered credible evidence for pur-*
15 *poses of this clause; or*

16 “*(iv) such other factors that the Sec-*
17 *retary determines will likely result in the*
18 *individual or family becoming homeless,*
19 *which may include recent history of home-*
20 *lessness or residential instability;*

21 “*(B) has no subsequent residence identified;*
22 *and*

23 “*(C) lacks the resources or support networks*
24 *needed to obtain other permanent housing.*

1 “(b) *DOMESTIC VIOLENCE AND OTHER DANGEROUS*
2 *OR LIFE-THREATENING CONDITIONS.*—Notwithstanding
3 *any other provision of this section, the Secretary shall con-*
4 *sider to be homeless any individual or family who is fleeing,*
5 *or is attempting to flee, domestic violence, dating violence,*
6 *sexual assault, stalking, or other dangerous or life-threat-*
7 *ening conditions in the individual’s or family’s current*
8 *housing situation, including where the health and safety of*
9 *children are jeopardized, and who have no other residence*
10 *and lack the resources or support networks to obtain other*
11 *permanent housing.”.*

12 (b) *REGULATIONS.*—Not later than the expiration of
13 *the 6-month period beginning upon the date of the enact-*
14 *ment of this Act, the Secretary of Housing and Urban De-*
15 *velopment shall issue regulations that provide sufficient*
16 *guidance to recipients of funds under title IV of the McKin-*
17 *ney-Vento Homeless Assistance Act to allow uniform and*
18 *consistent implementation of the requirements of section*
19 *103 of such Act, as amended by subsection (a) of this sec-*
20 *tion. This subsection shall take effect on the date of the en-*
21 *actment of this Act.*

22 (c) *CLARIFICATION OF EFFECT ON OTHER LAWS.*—
23 *This section and the amendments made by this section to*
24 *section 103 of the McKinney-Vento Homeless Assistance Act*
25 *(42 U.S.C. 11302) may not be construed to affect, alter,*

1 *limit, annul, or supersede any other provision of Federal*
2 *law providing a definition of “homeless”, “homeless indi-*
3 *vidual”, or “homeless person” for purposes other than such*
4 *Act, except to the extent that such provision refers to such*
5 *section 103 or the definition provided in such section 103.*

6 (d) *GAO STUDY.—The Comptroller General of the*
7 *United States shall conduct a study to examine and deter-*
8 *mine the following:*

9 (1) *The best available point-in-time and longitu-*
10 *dinal estimates available of the number of individuals*
11 *and families nationwide who are homeless—*

12 (A) *as such term is defined in section*
13 *103(a) of the McKinney-Vento Homeless Assist-*
14 *ance Act (42 U.S.C. 11302(a)), as in effect im-*
15 *mediately before the enactment of this Act;*

16 (B) *as such term is defined in paragraphs*
17 *(1) through (4) of section 103(a) of such Act, as*
18 *amended by this section;*

19 (C) *as such term is defined in section*
20 *103(a)(5) of such Act, as amended by this section*
21 *(relating to imminent loss of housing); and*

22 (D) *as such term is defined in other provi-*
23 *sions of Federal law.*

24 (2) *The best estimates available of the overlap*
25 *among the populations included in the estimates*

1 under subparagraphs (A) through (D) of paragraph
2 (1).

3 (3) *The quality of the data underlying the each*
4 *of the estimates under subparagraphs (A) through (D)*
5 *of paragraph (1).*

6 (4) *The cost and feasibility of conducting high-*
7 *quality nationwide point-in-time counts, and longitudi-*
8 *nal counts over a duration of more than one year,*
9 *of homeless individuals and families under each of the*
10 *definitions of homelessness referred to in subpara-*
11 *graphs (A) through (D) of paragraph (1).*

12 (5) *The best available longitudinal data, cov-*
13 *ering a minimum of six months, on the residential*
14 *movement of individuals and families who are home-*
15 *less under the definitions referred to in paragraph*
16 *(1)(D), but not under the definitions referred to in*
17 *paragraph (1)(A) or (1)(B), into circumstances that*
18 *meet the definition of homelessness under paragraph*
19 *(1)(A) or (1)(B).*

20 (6) *The best available data to enable prediction*
21 *of whether an individual or family that is homeless*
22 *under the definitions referred to in paragraph (1)(D),*
23 *but not under the definition referred to in paragraph*
24 *(1)(A) or (1)(B), will within the next 12 months meet*

1 *the definition of homelessness under paragraph (1)(A)*
2 *or (1)(B).*

3 *(7) The best available research on the effectiveness*
4 *of activities eligible for funding under this title*
5 *IV of the McKinney-Vento Homeless Assistance Act at*
6 *improving the housing conditions of households de-*
7 *scribed in paragraph (1)(D), but not in subpara-*
8 *graphs (A) through (C) of paragraph (1).*

9 *(8) The best available data on the childhood*
10 *housing, child welfare, and other experiences of adults*
11 *who are currently homeless, including individuals or*
12 *heads of household who are chronically homeless, to*
13 *determine whether homelessness as a child, as defined*
14 *under subparagraphs (A) through (D) of paragraph*
15 *(1), or other traumatic childhood experiences, includ-*
16 *ing sexual abuse, predict an increased likelihood of*
17 *adult homelessness.*

18 *(9) The extent to which the definitions of home-*
19 *less set forth in provisions of Federal law other than*
20 *section 103 of the McKinney-Vento Homeless Assist-*
21 *ance Act fulfill the purposes of the programs author-*
22 *ized by those provisions.*

23 *Not later than the expiration of the 12-month period begin-*
24 *ning upon the date of the enactment of this Act, the Compt-*
25 *troller General shall submit to the Congress a report setting*

1 forth the findings and conclusions of the study required
2 under this subsection. This subsection shall take effect on
3 the date of the enactment of this Act.

4 **SEC. 4. UNITED STATES INTERAGENCY COUNCIL ON HOME-**

5 **LESSNESS.**

6 (a) *IN GENERAL.*—Title II of the McKinney-Vento
7 Homeless Assistance Act (42 U.S.C. 11311 et seq.) is
8 amended—

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

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

18 (A) in subsection (a)—

19 (i) by redesignating paragraph (16) as
20 paragraph (22); and

21 (ii) by inserting after paragraph (15)
22 the following:

23 “(16) The Commissioner of Social Security, or
24 the designee of the Commissioner.

1 “(17) *The Attorney General of the United States,*
2 *or the designee of the Attorney General.*

3 “(18) *The Director of the Office of Management*
4 *and Budget, or the designee of the Director.*

5 “(19) *The Director of the Office of Faith-Based*
6 *and Community Initiatives, or the designee of the Di-*
7 *rector.*

8 “(20) *The Director of USA FreedomCorps, or the*
9 *designee of the Director.*

10 “(21) *The Commissioner of the Internal Revenue*
11 *Service, or the designee of the Commissioner.”;*

12 *(B) in subsection (c), by striking “annu-*
13 *ally” and inserting “four times each year, and*
14 *the rotation of the positions of Chairperson and*
15 *Vice Chairperson required under subsection (b)*
16 *shall occur at the first meeting of each year”;*
17 *and*

18 *(C) by adding at the end the following:*

19 “*(e) ADMINISTRATION.—The Executive Director of the*
20 *Council shall report to the Director of Domestic Policy*
21 *Council.”;*

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

23 *(A) by redesignating paragraphs (1), (2),*
24 *(3), (4), (5), (6), and (7) as paragraphs (2), (3),*
25 *(4), (5), (11), (12), and (13), respectively;*

3 “(1) not later than 12 months after the date of
4 the enactment of the Homeless Emergency Assistance
5 and Rapid Transition to Housing Act of 2008, de-
6 velop, make available for public comment, and submit
7 to the President and to Congress a National Strategic
8 Plan to End Homelessness, and shall update such
9 plan annually;”;

14 (D) by inserting after paragraph (5), as so
15 redesignated by subparagraph (A), the following:

16 “(6) encourage the creation of State Interagency
17 Councils on Homelessness and the formulation of ju-
18 risdictional 10-year plans to end homelessness at
19 state, city, and county levels;

20 “(7) annually obtain from Federal agencies their
21 identification of consumer-oriented entitlement and
22 other resources for which persons experiencing home-
23 lessness may be eligible and the agencies’ identifica-
24 tion of improvements to ensure access; develop mecha-
25 nisms to ensure access by persons experiencing home-

1 *lessness to all Federal, State, and local programs for*
2 *which the persons are eligible, and to verify collabora-*
3 *tion among entities within a community that receive*
4 *Federal funding under programs targeted for persons*
5 *experiencing homelessness, and other programs for*
6 *which persons experiencing homelessness are eligible,*
7 *including mainstream programs identified by the*
8 *Government Accountability Office in the reports enti-*
9 *tled ‘Homelessness: Coordination and Evaluation of*
10 *Programs Are Essential’, issued February 26, 1999,*
11 *and ‘Homelessness: Barriers to Using Mainstream*
12 *Programs’, issued July 6, 2000;*

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

15 “(9) develop joint federal agency and other ini-
16 tiatives to fulfill the goals of the agency;

17 “(10) participate in Federal agency policy devel-
18 opment, and development, review, evaluation, and
19 timing of all related Federal funding competitions;”;

20 (E) in paragraph (12), as so redesignated
21 by subparagraph (A), by striking “and” at the
22 end;

23 (F) in paragraph (13), as so redesignated
24 by subparagraph (A), by striking the period at
25 the end and inserting a semicolon;

1 (G) by adding at the end the following new
2 paragraphs:

“(15) not later than the expiration of the 6-month period beginning upon completion of the study required under section 3(d) of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2008, convene a meeting of representatives of all Federal agencies and committees of the House of Representatives and the Senate having jurisdiction over any Federal program to assist homeless individuals or families, local and State governments, academic researchers who specialize in homelessness, non-profit housing and service providers that receive funding under any Federal program to assist homeless individuals or families, organizations advocating on behalf of such nonprofit providers and homeless persons receiving housing or services under any such Federal program, and homeless persons receiving housing or

1 *services under any such Federal program, at which*
2 *meeting such representatives shall discuss all issues*
3 *relevant to whether the definitions of 'homeless' under*
4 *paragraphs (1) through (4) of section 103(a) of the*
5 *McKinney-Vento Homeless Assistance Act, as amend-*
6 *ed by section 3 of the Homeless Emergency Assistance*
7 *and Rapid Transition to Housing Act of 2008, should*
8 *be modified by the Congress, including whether there*
9 *is a compelling need for a uniform definition of*
10 *homelessness under Federal law, the extent to which*
11 *the differences in such definitions create barriers for*
12 *individuals to accessing services and to collaboration*
13 *between agencies, and the relative availability, and*
14 *barriers to access by persons defined as homeless, of*
15 *mainstream programs identified by the Government*
16 *Accountability Office in the two reports identified in*
17 *paragraph (7) of this subsection; and shall submit*
18 *transcripts of such meeting, and any majority and*
19 *dissenting recommendations from such meetings, to*
20 *each committee of the House of Representatives and*
21 *the Senate having jurisdiction over any Federal pro-*
22 *gram to assist homeless individuals or families not*
23 *later than the expiration of the 60-day period begin-*
24 *ning upon conclusion of such meeting.".*

25 *(4) in section 203(b) (42 U.S.C. 11313(b))—*

1 “(D) efforts by such agency to prevent
2 homelessness through agency initiatives in tar-
3 geted or mainstream programs.”;

4 (6) in section 204, by striking subsection (a) and
5 inserting the following:

6 “(a) **DIRECTOR**.—The President shall appoint an Ex-
7 ecutive Director, with the advice and consent of the Senate,
8 who shall serve at the pleasure of the President, and who
9 shall be compensated at a rate not to exceed the maximum
10 level for the Senior Executive Service.”.

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

16 (8) by striking section 208 (42 U.S.C. 11318)
17 and inserting the following:

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

19 “There are authorized to be appropriated to carry out
20 this title \$3,000,000 for fiscal year 2009 and such sums as
21 may be necessary for fiscal years 2010, 2011, 2012, and
22 2013. Any amounts appropriated to carry out this title
23 shall remain available until expended.”.

1 (b) *EFFECTIVE DATE.*—The amendments made by sub-
2 section (a) shall take effect on, and shall apply beginning
3 on, the date of the enactment of this Act .

4 **TITLE I—HOUSING ASSISTANCE**
5 **GENERAL PROVISIONS**

6 **SEC. 101. DEFINITIONS.**

7 *Subtitle A of title IV of the McKinney-Vento Homeless
8 Assistance Act (42 U.S.C. 11361 et seq.) is amended—*

9 *(1) by striking the subtitle heading and inserting
10 the following:*

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

12 *(2) by redesignating sections 401 and 402 (42
13 U.S.C. 11361, 11362) as sections 403 and 406, respec-
14 tively; and*

15 *(3) by inserting before section 403 (as so redesign-
16 nated by paragraph (2) of this section) the following
17 new section:*

18 **“SEC. 401. DEFINITIONS.**

19 *“For purposes of this title:*

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

23 *“(A) has income below 30 percent of median
24 income for the geographic area;*

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

3 “(C)(i) has moved frequently because of eco-
4 nomic reasons;

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

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

10 “(iv) lives in a hotel or motel;

11 “(v) lives in severely overcrowded housing;

12 “(vi) is exiting an institution; or

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

16 Such term includes all families with children
17 and youth defined as homeless under other Fed-
18 eral statutes.

19 “(2) **CHRONICALLY HOMELESS.**—

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

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

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

7 “(iii) *has an adult head of household*
8 *(or a minor head of household if no adult*
9 *is present in the household) with a*
10 *diagnosable substance use disorder, serious*
11 *mental illness, developmental disability (as*
12 *defined in section 102 of the Developmental*
13 *Disabilities Assistance and Bill of Rights*
14 *Act of 2000 (42 U.S.C. 15002)), post trau-*
15 *matic stress disorder, cognitive impairments*
16 *resulting from a brain injury, or chronic*
17 *physical illness or disability, including the*
18 *co-occurrence of 2 or more of those condi-*
19 *tions.*

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

1 *ically homeless if such person met all of the re-*
2 *quirements described in subparagraph (A) prior*
3 *to entering that facility.*

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

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

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

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

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

18 “(A) satisfies section 422; and

19 “(B) is submitted to the Secretary by a col-
20 laborative applicant.

21 “(5) CONSOLIDATED PLAN.—The term ‘Consoli-
22 dated Plan’ means a comprehensive housing afford-
23 ability strategy and community development plan re-
24 quired in part 91 of title 24, Code of Federal Regula-
25 tions.

1 “(6) *ELIGIBLE ENTITY*.—The term ‘eligible entity’ means, with respect to a subtitle, a public entity, 2
2 a private entity, or an entity that is a combination 3
3 of public and private entities, that is eligible to di- 4
4 rectly receive grant amounts under such subtitle. 5

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

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

22 “(9) *HOMELESS INDIVIDUAL WITH A DIS- 23
23 ABILITY*.—

24 “(A) *IN GENERAL*.—The term ‘homeless in- 25
25 dividual with a disability’ means an individual

1 *who is homeless, as defined in section 103, and*
2 *has a disability that—*

3 “*(i)(I) is expected to be long-con-*
4 *tinuing or of indefinite duration;*

5 “*(II) substantially impedes the indi-*
6 *vidual’s ability to live independently;*

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

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

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

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

22 “(B) RULE.—*Nothing in clause (iii) of sub-*
23 *paragraph (A) shall be construed to limit eligi-*
24 *bility under clause (i) or (ii) of subparagraph*
25 *(A).*

1 “(10) *LEGAL ENTITY*.—The term ‘legal entity’
2 means—

3 “(A) an entity described in section
4 501(c)(3) of the Internal Revenue Code of 1986
5 (26 U.S.C. 501(c)(3)) and exempt from tax
6 under section 501(a) of such Code;

7 “(B) an instrumentality of State or local
8 government; or

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

12 “(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)).

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

21 “(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—

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

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

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

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

11 “(15) *PERMANENT HOUSING*.—The term ‘perma-
12 nent housing’ means community-based housing with-
13 out a designated length of stay, and includes both per-
14 manent supportive housing and permanent housing
15 without supportive services.

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

23 “(A) a first and last name;

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

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

4 “(D) a Social Security number; and

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

10 “(17) PRIVATE NONPROFIT ORGANIZATION.—The
11 term ‘private nonprofit organization’ means an orga-
12 nization—

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

16 “(B) that has a voluntary board;

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

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

22 “(18) PROJECT.—The term ‘project’ means, with
23 respect to activities carried out under subtitle C, eligi-
24 ble activities described in section 423(a), undertaken
25 pursuant to a specific endeavor, such as serving a

1 *particular population or providing a particular re-*
2 *source.*

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

6 “(A) is between—

7 “(i) the recipient or a project sponsor;
8 and

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

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

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

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

23 “(A) submits an application for a grant
24 under section 422 that is approved by the Sec-
25 retary;

1 “(B) receives the grant directly from the
2 Secretary to support approved projects described
3 in the application; and

4 “(C)(i) serves as a project sponsor for the
5 projects; or

6 “(ii) awards the funds to project sponsors to
7 carry out the projects.

8 “(22) SECRETARY.—The term ‘Secretary’ means
9 the Secretary of Housing and Urban Development.

10 “(23) SERIOUS MENTAL ILLNESS.—The term ‘se-
11 rious mental illness’ means a severe and persistent
12 mental illness or emotional impairment that seriously
13 limits a person’s ability to live independently.

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

19 “(25) SPONSOR-BASED.—The term ‘sponsor-
20 based’ means, with respect to rental assistance, that
21 the assistance is provided pursuant to a contract
22 that—

23 “(A) is between—

24 “(i) the recipient or a project sponsor;
25 and

1 “(ii) an independent entity that—

2 “(I) is a private organization;

3 and

4 “(II) owns or leases dwelling

5 units; and

6 “(B) provides that rental assistance pay-

7 ments shall be made to the independent entity

8 and that eligible persons shall occupy such as-

9 sisted units.

10 “(26) STATE.—Except as used in subtitle B, the

11 term ‘State’ means each of the several States, the Dis-

12 trict of Columbia, the Commonwealth of Puerto Rico,

13 the United States Virgin Islands, Guam, American

14 Samoa, the Commonwealth of the Northern Mariana

15 Islands, the Trust Territory of the Pacific Islands,

16 and any other territory or possession of the United

17 States.

18 “(27) SUPPORTIVE SERVICES.—The term ‘sup-

19 portive services’ means services that address the spe-

20 cial needs of people served by a project, including—

21 “(A) the establishment and operation of a

22 child care services program for families experi-

23 encing homelessness;

1 “(B) the establishment and operation of an
2 employment assistance program, including pro-
3 viding job training;

4 “(C) the provision of outpatient health serv-
5 ices, food, and case management;

6 “(D) the provision of assistance in obtain-
7 ing permanent housing, employment counseling,
8 and nutritional counseling;

9 “(E) the provision of outreach services, ad-
10 vocacy, life skills training, and housing search
11 and counseling services;

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

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

20 “(H) the provision of legal services for pur-
21 poses including requesting reconsiderations and
22 appeals of veterans and public benefit claim de-
23 nials and resolving outstanding warrants that
24 interfere with an individual’s ability to obtain
25 and retain housing;

1 “(I) the provision of—

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

5 “(ii) health care; and

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

8 “(28) *TENANT-BASED*.—The term ‘tenant-based’ means, with respect to rental assistance, assistance that—

11 “(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—

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

22 “(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

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

13 “(29) *TRANSITIONAL HOUSING*.—The term ‘tran-
14 sitional housing’ means housing the purpose of which
15 is to facilitate the movement of individuals and fami-
16 lies experiencing homelessness to permanent housing
17 within 24 months or such longer period as the Sec-
18 retary determines necessary.

19 “(30) *UNIFIED FUNDING AGENCY*.—The term
20 ‘unified funding agency’ means a collaborative appli-
21 cant that performs the duties described in section
22 402(g).

23 “(31) *UNDERSERVED POPULATIONS*.—The term
24 ‘underserved populations’ includes populations under-
25 served because of geographic location, underserved ra-

1 cial and ethnic populations, populations underserved
2 because of special needs (such as language barriers,
3 disabilities, alienage status, or age), and any other
4 population determined to be underserved by the Sec-
5 retary, as appropriate.

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

14 “(33) *VICTIM SERVICES*.—The term ‘victim serv-
15 ices’ means services that assist domestic violence, dat-
16 ing violence, sexual assault, or stalking victims, in-
17 cluding services offered by rape crisis centers and do-
18 mestic violence shelters, and other organizations, with
19 a documented history of effective work concerning do-
20 mestic violence, dating violence, sexual assault, or
21 stalking.”.

22 SEC. 102. COMMUNITY HOMELESS ASSISTANCE PLANNING
23 *BOARDS.*

24 *Subtitle A of title IV of the McKinney-Vento Homeless*
25 *Assistance Act (42 U.S.C. 11361 et seq.) is amended by in-*

1 *inserting after section 401 (as added by section 101(3) of this*
2 *Act) the following new section:*

3 **“SEC. 402. COLLABORATIVE APPLICANTS.**

4 “(a) *ESTABLISHMENT AND DESIGNATION.—A collabora-*
5 *tive applicant shall be established for a geographic area*
6 *by the relevant parties in that geographic area to—*

7 “(1) *submit an application for amounts under*
8 *this subtitle; and*

9 “(2) *perform the duties specified in subsection (f)*
10 *and, if applicable, subsection (g).*

11 “(b) *NO REQUIREMENT TO BE A LEGAL ENTITY.—*
12 *An entity may be established to serve as a collaborative ap-*
13 *plicant under this section without being a legal entity.*

14 “(c) *REMEDIAL ACTION.—If the Secretary finds that*
15 *a collaborative applicant for a geographic area does not*
16 *meet the requirements of this section, or if there is no col-*
17 *laborative applicant for a geographic area, the Secretary*
18 *may take remedial action to ensure fair distribution of*
19 *grant amounts under subtitle C to eligible entities within*
20 *that area. Such measures may include designating another*
21 *body as a collaborative applicant, or permitting other eligi-*
22 *ble entities to apply directly for grants.*

23 “(d) *CONSTRUCTION.—Nothing in this section shall be*
24 *construed to displace conflict of interest or government fair*

1 *practices laws, or their equivalent, that govern applicants*
2 *for grant amounts under subtitles B and C.*

3 “(e) *APPOINTMENT OF AGENT.*—

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

6 “(A) *apply for a grant under section 422(c);*

7 “(B) *receive and distribute grant funds*
8 *awarded under subtitle C; and*

9 “(C) *perform other administrative duties.*

10 “(2) *RETENTION OF DUTIES.*—Any collaborative
11 *applicant that designates an agent pursuant to para-*
12 *graph (1) shall regardless of such designation retain*
13 *all of its duties and responsibilities under this title.*

14 “(f) *DUTIES.*—A collaborative applicant shall—

15 “(1) *design a collaborative process for the devel-*
16 *opment of an application under subtitle C, and for*
17 *evaluating the outcomes of projects for which funds*
18 *are awarded under subtitle B, in such a manner as*
19 *to provide information necessary for the Secretary—*

20 “(A) *to determine compliance with—*

21 “(i) *the program requirements under*
22 *section 426; and*

23 “(ii) *the selection criteria described*
24 *under section 427; and*

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

3 “(2) participate in the Consolidated Plan for the
4 geographic area served by the collaborative applicant;

5 “(3) ensure operation of, and consistent participa-
6 tion by, project sponsors in a community-wide
7 homeless management information system (in this
8 subsection referred to as ‘HMIS’) that—

9 “(A) collects unduplicated counts of individ-
10 uals and families experiencing homelessness;

11 “(B) analyzes patterns of use of assistance
12 provided under subtitles B and C for the geo-
13 graphic area involved;

14 “(C) provides information to project spon-
15 sors and applicants for needs analyses and fund-
16 ing priorities; and

17 “(D) is developed in accordance with stand-
18 ards established by the Secretary, including
19 standards that provide for—

20 “(i) encryption of data collected for
21 purposes of HMIS;

22 “(ii) documentation, including keeping
23 an accurate accounting, proper usage, and
24 disclosure, of HMIS data;

1 “(iii) access to HMIS data by staff,
2 contractors, law enforcement, and academic
3 researchers;

4 “(iv) rights of persons receiving serv-
5 ices under this title;

6 “(v) criminal and civil penalties for
7 unlawful disclosure of data; and

8 “(vi) such other standards as may be
9 determined necessary by the Secretary; and

10 “(4) certify as to whether or not the applicable
11 States and units of general local government are
12 criminalizing homelessness through the enforcement of
13 any laws or policies that prohibit sleeping, feeding,
14 sitting, resting, or lying in public spaces when there
15 are no suitable alternatives, or that result in the de-
16 struction of a homeless person’s property without due
17 process, or through the selective enforcement of laws or
18 policies against homeless persons.

19 “(g) **UNIFIED FUNDING.**—

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

1 “(A) the collaborative applicant—

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

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

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

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

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

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

18 “(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.

23 “(2) REQUIRED ACTIONS BY A UNIFIED FUNDING AGENCY.—A collaborative applicant that is either se-

1 *lected or designated as a unified funding agency for*
2 *a geographic area under paragraph (1) shall—*

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

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

18 “(h) *CONFLICT OF INTEREST.*—No board member of

19 *a collaborative applicant may participate in decisions of*
20 *the collaborative applicant concerning the award of a grant,*
21 *or provision of other financial benefits, to such member or*
22 *the organization that such member represents.”.*

23 **SEC. 103. GENERAL PROVISIONS.**

24 *Subtitle A of title IV of the McKinney-Vento Homeless*
25 *Assistance Act (42 U.S.C. 11361 et seq.) is amended by in-*

1 inserting after section 403 (as so redesignated by section
2 101(2) of this Act) the following new sections:

3 **“SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARA-**
4 **TION.**

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

14 “(b) *EXCEPTION.*—Notwithstanding the requirement
15 under subsection (a), project sponsors of transitional hous-
16 ing receiving funds under this title may target transitional
17 housing resources to families with children of a specific age
18 only if the project sponsor—

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

24 “(2) provides such assurances, as the Secretary
25 shall require, that an equivalent appropriate alter-

1 native living arrangement for the whole family or
2 household unit has been secured.

3 "SEC. 405. TECHNICAL ASSISTANCE.

4 “(a) *IN GENERAL.*—The Secretary shall make avail-
5 able technical assistance to private nonprofit organizations
6 and other nongovernmental entities, States, metropolitan
7 cities, urban counties, and counties that are not urban
8 counties, to implement effective planning processes for pre-
9 venting and ending homelessness, to improve their capacity
10 to prepare collaborative applications, to prevent the separa-
11 tion of families in emergency shelter or other housing pro-
12 grams, and to adopt and provide best practices in housing
13 and services for persons experiencing homeless.

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

18 SEC. 104. PROTECTION OF PERSONALLY IDENTIFYING IN-
19 FORMATION BY VICTIM SERVICE PROVIDERS.

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

3 “In the course of awarding grants or implementing
4 programs under this title, the Secretary shall instruct any
5 victim service provider that is a recipient or subgrantee not
6 to disclose for purposes of the Homeless Management Infor-
7 mation System any personally identifying information
8 about any client. The Secretary may, after public notice
9 and comment, require or ask such recipients and sub-
10 grantees to disclose for purposes of the Homeless Manage-
11 ment Information System non-personally identifying infor-
12 mation that has been de-identified, encrypted, or otherwise
13 encoded. Nothing in this section shall be construed to super-
14 sede any provision of any Federal, State, or local law that
15 provides greater protection than this subsection for victims
16 of domestic violence, dating violence, sexual assault, or
17 stalking.”.

18 SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

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

23 "SEC. 408. AUTHORIZATION OF APPROPRIATIONS.

24 "(a) *IN GENERAL.*—There are authorized to be appro-
25 priated to carry out this title \$2,200,000,000 for fiscal year

1 2010 and such sums as may be necessary for each of fiscal
2 years 2011, 2012, and 2013.

3 “(b) *PERMANENT HOUSING RENEWALS.*—Of the
4 amounts made available pursuant to subsection (a),
5 \$595,000,000 for fiscal year 2010, \$670,000,000 for fiscal
6 year 2011, \$745,000,000 for fiscal year 2012, and
7 \$825,000,000 for fiscal year 2013, shall be for renewal for
8 one year of expiring contracts for leasing, rental assistance,
9 and operating costs for permanent housing.”.

10 **TITLE II—EMERGENCY
11 **SOLUTIONS GRANTS PROGRAM****

12 **SEC. 201. GRANT ASSISTANCE.**

13 *Subtitle B of title IV of the McKinney-Vento Homeless
14 Assistance Act (42 U.S.C. 11371 et seq.) is amended—*

15 *(1) by striking the subtitle heading and inserting
16 the following:*

17 **“Subtitle B—Emergency Solutions
18 **Grants Program”;****

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

20 *(3) by redesignating sections 413 through 416
21 (42 U.S.C. 11373–6) as sections 414 through 417, re-
22 spectively; and*

23 *(4) by striking section 412 (42 U.S.C. 11372)
24 and inserting the following:*

1 **“SEC. 412. GRANT ASSISTANCE.**

2 “*The Secretary shall make grants to States and local
3 governments (and to private nonprofit organizations pro-
4 viding assistance to persons experiencing homelessness or
5 at risk of homelessness, in the case of grants made with re-
6 allocated amounts) for the purpose of carrying out activities
7 described in section 415.*

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

9 “(a) *IN GENERAL.*—*Of the amount made available to
10 carry out this title for a fiscal year, not including the
11 amounts made available under section 408(b), the Secretary
12 shall allocate nationally 20 percent of such amount for ac-
13 tivities described in section 415. The Secretary shall be re-
14 quired to certify that such allocation will not adversely af-
15 fect the renewal of existing projects under this subtitle and
16 subtitle C for those individuals or families who are home-
17 less.*

18 “(b) *ALLOCATION.*—*An entity that receives a grant
19 under section 412, and serves an area that includes 1 or
20 more geographic areas (or portions of such areas) served
21 by collaborative applicants that submit applications under
22 subtitle C, shall allocate the funds made available through
23 the grant to carry out activities described in section 415,
24 in consultation with the collaborative applicants.”;*

25 (5) *in section 414(b) (42 U.S.C. 11373(b)), as so
26 redesignated by paragraph (3) of this section, by*

1 *striking “amounts appropriated” and all that follows*
2 *through “for any” and inserting “amounts appro-*
3 *priated under section 408 and made available to*
4 *carry out this subtitle for any”; and*

5 *(6) in section 414, as so redesignated by para-*
6 *graph (3) of this section, by adding at the end the fol-*
7 *lowing new subsection:*

8 “*(f) REDUCTION OF FUNDS FOR CRIMINALIZING*
9 *HOMELESSNESS.—Of the amount made available to carry*
10 *out this title for a fiscal year, the Secretary shall reduce*
11 *the amount of administrative funds available by half to any*
12 *jurisdiction for which a collaborative applicant has sub-*
13 *mitted a certification under section 402(f)(4) that the unit*
14 *of local government has criminalized homelessness. The*
15 *funds shall instead be made available to the collaborative*
16 *applicant for the jurisdiction. If no collaborative applicant*
17 *exists for such jurisdiction, the funds shall be made avail-*
18 *able to the State to carry out this title.”.*

19 **SEC. 202. ELIGIBLE ACTIVITIES.**

20 *The McKinney-Vento Homeless Assistance Act is*
21 *amended by striking section 415 (42 U.S.C. 11374), as so*
22 *redesignated by section 201(3) of this Act, and inserting*
23 *the following new section:*

1 **“SEC. 415. ELIGIBLE ACTIVITIES.**2 “(a) *IN GENERAL.*—Assistance provided under section
3 412 may be used for the following activities:4 “(1) The renovation, major rehabilitation, or
5 conversion of buildings to be used as emergency shel-
6 ters.7 “(2) The provision of essential services related to
8 emergency shelter or street outreach, including serv-
9 ices concerned with employment, health, education,
10 family support services for homeless youth, substance
11 abuse services, victim services, or mental health serv-
12 ices, if—13 “(A) such essential services have not been
14 provided by the local government during any
15 part of the immediately preceding 12-month pe-
16 riod or the Secretary determines that the local
17 government is in a severe financial deficit; or18 “(B) the use of assistance under this subtitle
19 would complement the provision of those essen-
20 tial services.21 “(3) Maintenance, operation, insurance, provi-
22 sion of utilities, and provision of furnishings related
23 to emergency shelter.24 “(4) Provision of rental assistance to provide
25 short-term or medium-term housing to homeless indi-
26 viduals or families or individuals or families at risk

1 *of homelessness. Such rental assistance may include*
2 *tenant-based or project-based rental assistance.*

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

11 *“(A) stabilizing individuals and families in*
12 *their current housing; or*

13 *“(B) quickly moving such individuals and*
14 *families to other permanent housing.*

15 “(b) **MAXIMUM ALLOCATION FOR EMERGENCY SHEL-**
16 **TER ACTIVITIES.**—A grantee of assistance provided under
17 section 412 for any fiscal year may not use an amount of
18 such assistance for activities described in paragraphs (1)
19 through (3) of subsection (a) that exceeds the greater of—

20 “(1) 50 percent of the aggregate amount of such
21 assistance provided for the grantee for such fiscal
22 year; or

23 “(2) the amount expended by such grantee for
24 such activities during fiscal year most recently com-
25 pleted before the effective date under section 503 of the

1 *Homeless Emergency Assistance and Rapid Transi-*
2 *tion to Housing Act of 2008.”.*

3 **SEC. 203. PARTICIPATION IN HOMELESS MANAGEMENT IN-**
4 **FORMATION SYSTEM.**

5 *Section 416 of the McKinney-Vento Homeless Assist-*
6 *ance Act (42 U.S.C. 11375), as so redesignated by section*
7 *201(3) of this Act, is amended by adding at the end the*
8 *following new subsection:*

9 “(f) **PARTICIPATION IN HMIS.**—The Secretary shall
10 ensure that recipients of funds under this subtitle ensure
11 the consistent participation by emergency shelters and
12 homelessness prevention and rehousing programs in any
13 applicable community-wide homeless management informa-
14 tion system.”.

15 **SEC. 204. ADMINISTRATIVE PROVISION.**

16 *Section 418 of the McKinney-Vento Homeless Assist-*
17 *ance Act (42 U.S.C. 11378) is amended by striking “5 per-*
18 *cent” and inserting “10 percent”.*

19 **TITLE III—CONTINUUM OF CARE**
20 **PROGRAM**

21 **SEC. 301. CONTINUUM OF CARE.**

22 *The McKinney-Vento Homeless Assistance Act is*
23 *amended—*

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

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

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

9 **“SEC. 421. PURPOSES.**

10 “The purposes of this subtitle are—

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

13 “(2) to provide funding for efforts by nonprofit
14 providers and State and local governments to quickly
15 rehouse homeless individuals and families while mini-
16 mizing the trauma and dislocation caused to individ-
17 uals, families, and communities by homelessness;

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

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

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

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

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

16 “(c) *APPLICATIONS.*—

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

24 “(A) to determine compliance with the pro-
25 gram requirements and selection criteria under
26 this subtitle; and

1 “(B) to establish priorities for funding
2 projects in the geographic area.

3 “(2) ANNOUNCEMENT OF AWARDS.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), the Secretary shall announce,
6 within 5 months after the last date for the sub-
7 mission of applications described in this sub-
8 section for a fiscal year, the grants conditionally
9 awarded under subsection (a) for that fiscal
10 year.

11 “(B) TRANSITION.—For a period of up to 2
12 years beginning after the effective date under sec-
13 tion 503 of the Homeless Emergency Assistance
14 and Rapid Transition to Housing Act of 2008,
15 the Secretary shall announce, within 6 months
16 after the last date for the submission of applica-
17 tions described in this subsection for a fiscal
18 year, the grants conditionally awarded under
19 subsection (a) for that fiscal year.

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

22 “(1) REQUIREMENTS FOR OBLIGATION.—

23 “(A) IN GENERAL.—Not later than 9
24 months after the announcement referred to in
25 subsection (c)(2), each recipient or project spon-

1 *sor shall meet all requirements for the obligation*
2 *of those funds, including site control, matching*
3 *funds, and environmental review requirements,*
4 *except as provided in subparagraphs (B) and*
5 *(C).*

6 “(B) *ACQUISITION, REHABILITATION, OR*
7 *CONSTRUCTION.*—*Not later than 24 months after*
8 *the announcement referred to in subsection*
9 *(c)(2), each recipient or project sponsor seeking*
10 *the obligation of funds for acquisition of housing,*
11 *rehabilitation of housing, or construction of new*
12 *housing for a grant announced under subsection*
13 *(c)(2) shall meet all requirements for the obliga-*
14 *tion of those funds, including site control, match-*
15 *ing funds, and environmental review require-*
16 *ments.*

17 “(C) *EXTENSIONS.*—*At the discretion of the*
18 *Secretary, and in compelling circumstances, the*
19 *Secretary may extend the date by which a recipi-*
20 *ent or project sponsor shall meet the require-*
21 *ments described in subparagraphs (A) and (B) if*
22 *the Secretary determines that compliance with*
23 *the requirements was delayed due to factors be-*
24 *yond the reasonable control of the recipient or*
25 *project sponsor. Such factors may include dif-*

1 *ficulties in obtaining site control for a proposed*
2 *project, completing the process of obtaining se-*
3 *curc financing for the project, obtaining approv-*
4 *als from State or local governments, or com-*
5 *pleting the technical submission requirements for*
6 *the project.*

7 “(2) *OBLIGATION*.—Not later than 45 days after
8 *a recipient or project sponsor meets the requirements*
9 *described in paragraph (1), the Secretary shall obli-*
10 *gate the funds for the grant involved.*

11 “(3) *DISTRIBUTION*.—A recipient that receives
12 *funds through such a grant—*

13 “(A) *shall distribute the funds to project*
14 *sponsors (in advance of expenditures by the*
15 *project sponsors); and*

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

20 “(4) *EXPENDITURE OF FUNDS*.—The Secretary
21 *may establish a date by which funds made available*
22 *through a grant announced under subsection (c)(2)*
23 *for a homeless assistance project shall be entirely ex-*
24 *pended by the recipient or project sponsors involved.*
25 *The date established under this paragraph shall not*

1 *occur before the expiration of the 24-month period be-*
2 *ginning on the date that funds are obligated for ac-*
3 *tivities described under paragraphs (1) or (2) of sec-*
4 *tion 423(a). The Secretary shall recapture the funds*
5 *not expended by such date. The Secretary shall reallo-*
6 *cate the funds for another homeless assistance and*
7 *prevention project that meets the requirements of this*
8 *subtitle to be carried out, if possible and appropriate,*
9 *in the same geographic area as the area served*
10 *through the original grant.*

11 “(e) *RENEWAL FUNDING FOR UNSUCCESSFUL APPLI-*
12 *CANTS.*—*The Secretary may renew funding for a specific*
13 *project previously funded under this subtitle that the Sec-*
14 *retary determines meets the purposes of this subtitle, and*
15 *was included as part of a total application that met the*
16 *criteria of subsection (c), even if the application was not*
17 *selected to receive grant assistance. The Secretary may*
18 *renew the funding for a period of not more than 1 year,*
19 *and under such conditions as the Secretary determines to*
20 *be appropriate.*

21 “(f) *CONSIDERATIONS IN DETERMINING RENEWAL*
22 *FUNDING.*—*When providing renewal funding for leasing,*
23 *operating costs, or rental assistance for permanent housing,*
24 *the Secretary shall make adjustments proportional to in-*
25 *creases in the fair market rents in the geographic area.*

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

6 “(h) *COORDINATION WITH LOW INCOME HOUSING*
7 *CREDIT.*—*Assistance under this subtitle is intended to fa-*
8 *cilitate the utilization of Low Income Housing Credits*
9 *under section 42 of the Internal Revenue Code of 1986.*

10 “(i) *APPEALS.*—

11 “(1) *IN GENERAL.*—*The Secretary shall establish*
12 *a timely appeal procedure for grant amounts award-*
13 *ed or denied under this subtitle pursuant to a collabo-*
14 *rative application or solo application for funding.*

15 “(2) *PROCESS.*—*The Secretary shall ensure that*
16 *the procedure permits appeals submitted by entities*
17 *carrying out homeless housing and services projects*
18 *(including emergency shelters and homelessness pre-*
19 *vention programs), and all other applicants under*
20 *this subtitle.*

21 “(j) *SOLO APPLICANTS.*—*A solo applicant may submit*
22 *an application to the Secretary for a grant under subsection*
23 *(a) and be awarded such grant on the same basis as such*
24 *grants are awarded to other applicants based on the criteria*
25 *described in section 427, but only if the Secretary deter-*

1 mines that the solo applicant has attempted to participate
2 in the continuum of care process but was not permitted to
3 participate in a reasonable manner. The Secretary may
4 award such grants directly to such applicants in a manner
5 determined to be appropriate by the Secretary.

6 “(k) FLEXIBILITY TO SERVE PERSONS DEFINED AS

7 HOMELESS UNDER OTHER FEDERAL LAWS.—

8 “(1) IN GENERAL.—A collaborative applicant
9 may use up to 10 percent of funds awarded under
10 title III (continuum of care funding) for any of the
11 types of eligible activities specified in paragraphs (1)
12 through (7) of section 423(a) to serve families with
13 children and youth defined as homeless under other
14 Federal statutes, provided that the applicant dem-
15 onstrates that the use of such funds is of an equal or
16 greater priority or is equally or more cost effective in
17 meeting the overall goals and objectives of the plan
18 submitted under section 427(b)(1)(B), especially with
19 respect to children and unaccompanied youth.

20 “(2) LIMITATIONS.—The 10 percent limitation
21 under paragraph (1) shall not apply to collaborative
22 applicants in which the rate of homelessness, as cal-
23 culated under section 427(b)(3), is less than one-tenth
24 of 1 percent of total population.”.

1 **SEC. 302. ELIGIBLE ACTIVITIES.**

2 *The McKinney-Vento Homeless Assistance Act is
3 amended by striking section 423 (42 U.S.C. 11383) and in-
4 serting the following new section:*

5 **“SEC. 423. ELIGIBLE ACTIVITIES.**

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

10 *“(1) Construction of new housing units to pro-
11 vide transitional or permanent housing.*

12 *“(2) Acquisition or rehabilitation of a structure
13 to provide transitional or permanent housing, other
14 than emergency shelter, or to provide supportive serv-
15 ices.*

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

20 *“(4) Provision of rental assistance to provide
21 transitional or permanent housing to eligible persons.*

22 *The rental assistance may include tenant-based,
23 project-based, or sponsor-based rental assistance.
24 Project-based rental assistance, sponsor-based rental
25 assistance, and operating cost assistance contracts
26 carried out by project sponsors receiving grants under*

1 *this section may, at the discretion of the applicant*
2 *and the project sponsor, have an initial term of 15*
3 *years, with assistance for the first 5 years paid with*
4 *funds authorized for appropriation under this Act,*
5 *and assistance for the remainder of the term treated*
6 *as a renewal of an expiring contract as provided in*
7 *section 408(b). Project-based rental assistance may*
8 *include rental assistance to preserve existing perma-*
9 *net supportive housing for homeless individuals and*
10 *families.*

11 “(5) *Payment of operating costs for housing*
12 *units assisted under this subtitle or for the preserva-*
13 *tion of housing that will serve homeless individuals*
14 *and families and for which another form of assistance*
15 *is expiring or otherwise no longer available.*

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

22 “(7) *Provision of rehousing services, including*
23 *housing search, mediation or outreach to property*
24 *owners, credit repair, providing security or utility de-*
25 *posits, rental assistance for a final month at a loca-*

1 *tion, assistance with moving costs, or other activities*
2 *that—*

3 “*(A) are effective at moving homeless indi-*
4 *viduals and families immediately into housing;*
5 *or*

6 “*(B) may benefit individuals and families*
7 *who in the prior 6 months have been homeless,*
8 *but are currently residing in permanent housing.*

9 “*(8) In the case of a collaborative applicant that*
10 *is a legal entity, performance of the duties described*
11 *under section 402(f)(3).*

12 “*(9) Operation of, participation in, and ensur-*
13 *ing consistent participation by project sponsors in, a*
14 *community-wide homeless management information*
15 *system.*

16 “*(10) In the case of a collaborative applicant*
17 *that is a legal entity, payment of administrative costs*
18 *related to meeting the requirements described in para-*
19 *graphs (1) and (2) of section 402(f), for which the col-*
20 *laborative applicant may use not more than 3 percent*
21 *of the total funds made available in the geographic*
22 *area under this subtitle for such costs.*

23 “*(11) In the case of a collaborative applicant*
24 *that is a unified funding agency under section 402(g),*
25 *payment of administrative costs related to meeting*

1 *the requirements of that section, for which the unified*
2 *funding agency may use not more than 3 percent of*
3 *the total funds made available in the geographic area*
4 *under this subtitle for such costs, in addition to funds*
5 *used under paragraph (10).*

6 “(12) *Payment of administrative costs to project*
7 *sponsors, for which each project sponsor may use not*
8 *more than 10 percent of the total funds made avail-*
9 *able to that project sponsor through this subtitle for*
10 *such costs.*

11 “(b) *MINIMUM GRANT TERMS.*—The Secretary may
12 *impose minimum grant terms of up to 5 years for new*
13 *projects providing permanent housing.*

14 “(c) *USE RESTRICTIONS.*—

15 “(1) *ACQUISITION, REHABILITATION, AND NEW*
16 *CONSTRUCTION.*—A project that consists of activities
17 described in paragraph (1) or (2) of subsection (a)
18 shall be operated for the purpose specified in the ap-
19 plication submitted for the project under section 422
20 for not less than 20 years.

21 “(2) *OTHER ACTIVITIES.*—A project that consists
22 of activities described in any of paragraphs (3)
23 through (12) of subsection (a) shall be operated for the
24 purpose specified in the application submitted for the

1 *project under section 422 for the duration of the grant*
2 *period involved.*

3 “(3) CONVERSION.—*If the recipient or project*
4 *sponsor carrying out a project that provides transi-*
5 *tional or permanent housing submits a request to the*
6 *Secretary to carry out instead a project for the direct*
7 *benefit of low-income persons, and the Secretary de-*
8 *termines that the initial project is no longer needed*
9 *to provide transitional or permanent housing, the*
10 *Secretary may approve the project described in the re-*
11 *quest and authorize the recipient or project sponsor to*
12 *carry out that project.*

13 “(d) REPAYMENT OF ASSISTANCE AND PREVENTION OF
14 UNDUE BENEFITS.—

15 “(1) REPAYMENT.—*If a recipient or project*
16 *sponsor receives assistance under section 422 to carry*
17 *out a project that consists of activities described in*
18 *paragraph (1) or (2) of subsection (a) and the project*
19 *ceases to provide transitional or permanent hous-*
20 *ing—*

21 “(A) earlier than 10 years after operation
22 *of the project begins, the Secretary shall require*
23 *the recipient or project sponsor to repay 100 per-*
24 *cent of the assistance; or*

1 “(B) not earlier than 10 years, but earlier
2 than 20 years, after operation of the project be-
3 gins, the Secretary shall require the recipient or
4 project sponsor to repay 10 percent of the assist-
5 ance for each of the years in the 20-year period
6 for which the project fails to provide that hous-
7 ing.

8 “(2) *PREVENTION OF UNDUE BENEFITS*.—Except
9 as provided in paragraph (3), if any property is used
10 for a project that receives assistance under subsection
11 (a) and consists of activities described in paragraph
12 (1) or (2) of subsection (a), and the sale or other dis-
13 position of the property occurs before the expiration
14 of the 20-year period beginning on the date that oper-
15 ation of the project begins, the recipient or project
16 sponsor who received the assistance shall comply with
17 such terms and conditions as the Secretary may pre-
18 scribe to prevent the recipient or project sponsor from
19 unduly benefitting from such sale or disposition.

20 “(3) *EXCEPTION*.—A recipient or project sponsor
21 shall not be required to make the repayments, and
22 comply with the terms and conditions, required under
23 paragraph (1) or (2) if—

24 “(A) the sale or disposition of the property
25 used for the project results in the use of the prop-

1 *erty for the direct benefit of very low-income per-*
2 *sons;*

3 *“(B) all of the proceeds of the sale or dis-*
4 *position are used to provide transitional or per-*
5 *manent housing meeting the requirements of this*
6 *subtitle;*

7 *“(C) project-based rental assistance or oper-*
8 *ating cost assistance from any Federal program*
9 *or an equivalent State or local program is no*
10 *longer made available and the project is meeting*
11 *applicable performance standards, provided that*
12 *the portion of the project that had benefitted*
13 *from such assistance continues to meet the tenant*
14 *income and rent restrictions for low-income*
15 *units under section 42(g) of the Internal Revenue*
16 *Code of 1986; or*

17 *“(D) there are no individuals and families*
18 *in the geographic area who are homeless, in*
19 *which case the project may serve individuals and*
20 *families at risk of homelessness.*

21 *“(e) STAFF TRAINING.—The Secretary may allow rea-*
22 *sonable costs associated with staff training to be included*
23 *as part of the activities described in subsection (a).*

24 *“(f) ELIGIBILITY FOR PERMANENT HOUSING.—Any*
25 *project that receives assistance under subsection (a) and*

1 that provides project-based or sponsor-based permanent
2 housing for homeless individuals or families with a dis-
3 ability, including projects that meet the requirements of
4 subsection (a) and subsection (d)(2)(A) of section 428 may
5 also serve individuals who had previously met the require-
6 ments for such project prior to moving into a different per-
7 manent housing project.

8 “(g) **ADMINISTRATION OF RENTAL ASSISTANCE.**—Pro-
9 vision of permanent housing rental assistance shall be ad-
10 ministered by a State, unit of general local government, or
11 public housing agency.”.

12 **SEC. 303. HIGH PERFORMING COMMUNITIES.**

13 The McKinney-Vento Homeless Assistance Act is
14 amended by striking section 424 (42 U.S.C. 11384) and in-
15 serting the following:

16 **“SEC. 424. INCENTIVES FOR HIGH-PERFORMING COMMU-**
17 **NITIES.**

18 “(a) **DESIGNATION AS A HIGH-PERFORMING COMMU-**
19 **NITY.**—

20 “(1) **IN GENERAL.**—The Secretary shall des-
21 ignate, on an annual basis, which collaborative appli-
22 cants represent high-performing communities.

23 “(2) **CONSIDERATION.**—In determining whether
24 to designate a collaborative applicant as a high-per-
25 forming community under paragraph (1), the Sec-

1 *retary shall establish criteria to ensure that the re-*
2 *quirements described under paragraphs (1)(B) and*
3 *(2)(B) of subsection (d) are measured by comparing*
4 *homeless individuals and families under similar cir-*
5 *cumstances, in order to encourage projects in the geo-*
6 *graphic area to serve homeless individuals and fami-*
7 *lies with more severe barriers to housing stability.*

8 “(3) 2-YEAR PHASE IN.—*In each of the first 2*
9 *years after the effective date under section 503 of the*
10 *Homeless Emergency Assistance and Rapid Transi-*
11 *tion to Housing Act of 2008, the Secretary shall des-*
12 *ignate not more than 10 collaborative applicants as*
13 *high-performing communities.*

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

21 “(5) TIME LIMIT ON DESIGNATION.—*The des-*
22 *ignation of any collaborative applicant as a high-per-*
23 *forming community under this subsection shall be ef-*
24 *fective only for the year in which such designation is*

1 *made. The Secretary, on an annual basis, may renew*
2 *any such designation.*

3 “(b) *APPLICATION.*—

4 “(1) *IN GENERAL.*—A collaborative applicant

5 *seeking designation as a high-performing community*
6 *under subsection (a) shall submit an application to*
7 *the Secretary at such time, and in such manner as*
8 *the Secretary may require.*

9 “(2) *CONTENT OF APPLICATION.*—In any appli-

10 *cation submitted under paragraph (1), a collaborative*
11 *applicant shall include in such application—*

12 “(A) *a report showing how any money re-*
13 *ceived under this subtitle in the preceding year*
14 *was expended; and*

15 “(B) *information that such applicant can*
16 *meet the requirements described under subsection*
17 *(d).*

18 “(3) *PUBLICATION OF APPLICATION.*—The Sec-

19 *retary shall—*

20 “(A) *publish any report or information sub-*
21 *mitted in an application under this section in*
22 *the geographic area represented by the collabora-*
23 *tive applicant; and*

24 “(B) *seek comments from the public as to*
25 *whether the collaborative applicant seeking des-*

1 *ignation as a high-performing community meets*
2 *the requirements described under subsection (d).*

3 *“(c) USE OF FUNDS.—Funds awarded under section*
4 *422(a) to a project sponsor who is located in a high-per-*
5 *forming community may be used—*

6 *“(1) for any of the eligible activities described in*
7 *section 423; or*

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

10 *“(d) DEFINITION OF HIGH-PERFORMING COMMU-*
11 *NITY.—For purposes of this section, the term ‘high-per-*
12 *forming community’ means a geographic area that dem-*
13 *onstrates through reliable data that all five of the following*
14 *requirements are met for that geographic area:*

15 *“(1) TERM OF HOMELESSNESS.—The mean*
16 *length of episodes of homelessness for that geographic*
17 *area—*

18 *“(A) is less than 20 days; or*

19 *“(B) for individuals and families in similar*
20 *circumstances in the preceding year was at least*
21 *10 percent less than in the year before.*

22 *“(2) FAMILIES LEAVING HOMELESSNESS.—Of in-*
23 *dividuals and families—*

24 *“(A) who leave homelessness, fewer than 5*
25 *percent of such individuals and families become*

1 *homeless again at any time within the next 2*
2 *years; or*

3 *“(B) in similar circumstances who leave*
4 *homelessness, the percentage of such individuals*
5 *and families who become homeless again within*
6 *the next 2 years has decreased by at least 20 per-*
7 *cent from the preceding year.*

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

10 *“(A) actively encouraged homeless individ-*
11 *uals and families to participate in homeless as-*
12 *sistance services available in that geographic*
13 *area; and*

14 *“(B) included each homeless individual or*
15 *family who sought homeless assistance services in*
16 *the data system used by that community for de-*
17 *termining compliance with this subsection.*

18 *“(4) EFFECTIVENESS OF PREVIOUS ACTIVI-*
19 *TIES.—If recipients in the geographic area have used*
20 *funding awarded under section 422(a) for eligible ac-*
21 *tivities described under section 415(a) in previous*
22 *years based on the authority granted under subsection*
23 *(c), that such activities were effective at reducing the*
24 *number of individuals and families who became*
25 *homeless in that community.*

1 “(5) *FLEXIBILITY TO SERVE PERSONS DEFINED*
2 *AS HOMELESS UNDER OTHER FEDERAL LAWS.*—With
3 *respect to collaborative applicants exercising the au-*
4 *thority under section 422(k) to serve homeless families*
5 *with children and youth defined as homeless under*
6 *other Federal statutes, effectiveness in achieving the*
7 *goals and outcomes identified in subsection*
8 *427(b)(1)(F) according to such standards as the Sec-*
9 *retary shall promulgate.*

10 “(e) *COOPERATION AMONG ENTITIES.*—A collaborative
11 *applicant designated as a high-performing community*
12 *under this section shall cooperate with the Secretary in dis-*
13 *tributing information about successful efforts within the ge-*
14 *ographic area represented by the collaborative applicant to*
15 *reduce homelessness.”.*

16 **SEC. 304. PROGRAM REQUIREMENTS.**

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

19 “(1) *by striking subsections (a), (b), and (c) and*
20 *inserting the following:*

21 “(a) *SITE CONTROL.*—*The Secretary shall require that*
22 *each application include reasonable assurances that the ap-*
23 *plicant will own or have control of a site for the proposed*
24 *project not later than the expiration of the 12-month period*
25 *beginning upon notification of an award for grant assist-*

1 *ance, unless the application proposes providing supportive*
2 *housing assistance under section 423(a)(3) or housing that*
3 *will eventually be owned or controlled by the families and*
4 *individuals served. An applicant may obtain ownership or*
5 *control of a suitable site different from the site specified*
6 *in the application. If any recipient or project sponsor fails*
7 *to obtain ownership or control of the site within 12 months*
8 *after notification of an award for grant assistance, the*
9 *grant shall be recaptured and reallocated under this sub-*
10 *title.*

11 “(b) REQUIRED AGREEMENTS.—The Secretary may
12 *not provide assistance for a proposed project under this sub-*
13 *title unless the collaborative applicant involved agrees—*

14 “(1) *to ensure the operation of the project in ac-*
15 *cordance with the provisions of this subtitle;*

16 “(2) *to monitor and report to the Secretary the*
17 *progress of the project;*

18 “(3) *to ensure, to the maximum extent prac-*
19 *ticable, that individuals and families experiencing*
20 *homelessness are involved, through employment, pro-*
21 *vision of volunteer services, or otherwise, in con-*
22 *structing, rehabilitating, maintaining, and operating*
23 *facilities for the project and in providing supportive*
24 *services for the project;*

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

3 “(A) they will maintain the confidentiality
4 of records pertaining to any individual or fam-
5 ily provided family violence prevention or treat-
6 ment services through the project;

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

12 “(C) they will establish policies and prac-
13 tices that are consistent with, and do not restrict
14 the exercise of rights provided by, subtitle B of
15 title VII, and other laws relating to the provision
16 of educational and related services to individuals
17 and families experiencing homelessness;

18 “(D) in the case of programs that provide
19 housing or services to families, they will des-
20 ignate a staff person to be responsible for ensur-
21 ing that children being served in the program
22 are enrolled in school and connected to appro-
23 priate services in the community, including
24 early childhood programs such as Head Start,
25 part C of the Individuals with Disabilities Edu-

1 *cation Act, and programs authorized under sub-*
2 *title B of title VII of this Act (42 U.S.C. 11431*
3 *et seq.); and*

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

6 *“(5) if a collaborative applicant is a unified*
7 *funding agency under section 402(g) and receives*
8 *funds under subtitle C to carry out the payment of*
9 *administrative costs described in section 423(a)(11),*
10 *to establish such fiscal control and fund accounting*
11 *procedures as may be necessary to assure the proper*
12 *disbursal of, and accounting for, such funds in order*
13 *to ensure that all financial transactions carried out*
14 *with such funds are conducted, and records main-*
15 *tained, in accordance with generally accepted ac-*
16 *counting principles;*

17 *“(6) to monitor and report to the Secretary the*
18 *provision of matching funds as required by section*
19 *430;*

20 *“(7) to take the educational needs of children*
21 *into account when families are placed in emergency*
22 *or transitional shelter and will, to the maximum ex-*
23 *tent practicable, place families with children as close*
24 *as possible to their school of origin so as not to dis-*
25 *rupt such children’s education; and*

1 “(8) to comply with such other terms and condi-
2 tions as the Secretary may establish to carry out this
3 subtitle in an effective and efficient manner.”;

4 (2) by redesignating subsection (d) as subsection
5 (c);

6 (3) in the first sentence of subsection (c) (as so
7 redesignated by paragraph (2) of this subsection), by
8 striking “recipient” and inserting “recipient or
9 project sponsor”;

10 (4) by striking subsection (e);

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

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

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

18 (8) by redesignating subsection (j) as subsection
19 (g).

20 **SEC. 305. SELECTION CRITERIA, ALLOCATION AMOUNTS,
21 AND FUNDING.**

22 The McKinney-Vento Homeless Assistance Act is
23 amended—

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

6 "SEC. 427. SELECTION CRITERIA.

7 “(a) *IN GENERAL.*—The Secretary shall award funds
8 to recipients through a national competition between geo-
9 graphic areas based on criteria established by the Secretary.

10 “*b) REQUIRED CRITERIA.—*

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

1 shall take into account barriers faced by individual homeless people, and that shall include—
2
3 “(i) the length of time individuals and families remain homeless;
4
5 “(ii) the extent to which individuals and families who leave homelessness experience additional spells of homelessness;
6
7 “(iii) the thoroughness of grantees in the geographic area in reaching homeless individuals and families;
8
9 “(iv) overall reduction in the number of homeless individuals and families;
10
11 “(v) jobs and income growth for homeless individuals and families;
12
13 “(vi) success at reducing the number of individuals and families who become homeless;
14
15 “(vii) other accomplishments by the recipient related to reducing homelessness; and
16
17
18 “(viii) for collaborative applicants that have exercised the authority under section 422(k) to serve families with children and youth defined as homeless under other Federal statutes, success in achieving the goals

1 and outcomes identified in section
2 427(b)(1)(F);

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

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

8 “(ii) how the length of time that indi-
9 viduals and families remain homeless will
10 be reduced;

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

18 “(iv) the extent to which the recipient
19 will—

20 “(I) address the needs of all rel-
21 evant subpopulations;

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

1 “(III) set quantifiable performance
2 measures;

3 “(IV) set timelines for completion
4 of specific tasks;

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

7 “(VI) identify an individual or
8 body responsible for overseeing imple-
9 mentation of specific strategies; and

10 “(v) whether the recipient proposes to
11 exercise authority to use funds under section
12 422(k), and if so, how the recipient will
13 achieve the goals and outcomes identified in
14 section 427(b)(1)(F);

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

19 “(i) uses periodically collected infor-
20 mation and analysis to determine the extent
21 to which each project has resulted in rapid
22 return to permanent housing for those
23 served by the project, taking into account
24 the severity of barriers faced by the people
25 the project serves;

1 “(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;

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

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

12 “(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);

19 “(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;

1 “(F) for collaborative applicants exercising
2 the authority under section 422(k) to serve home-
3 less families with children and youth defined as
4 homeless under other Federal statutes, program
5 goals and outcomes, which shall include—

6 “(i) preventing homelessness among the
7 subset of such families with children and
8 youth who are at highest risk of becoming
9 homeless, as such term is defined for pur-
10 poses of this title; or

11 “(ii) achieving independent living in
12 permanent housing among such families
13 with children and youth, especially those
14 who have a history of doubled-up and other
15 temporary housing situations or are living
16 in a temporary housing situation due to
17 lack of available and appropriate emergency
18 shelter, through the provision of eligible as-
19 sistance that directly contributes to achiev-
20 ing such results including assistance to ad-
21 dress chronic disabilities, chronic physical
22 health or mental health conditions, sub-
23 stance addiction, histories of domestic vio-
24 lence or childhood abuse, or multiple bar-
25 riers to employment; and

1 “(G) such other factors as the Secretary de-
2 termines to be appropriate to carry out this sub-
3 title in an effective and efficient manner.

4 “(2) ADDITIONAL CRITERIA.—In addition to the
5 criteria required under paragraph (1), the criteria es-
6 tablished under paragraph (1) shall also include the
7 need within the geographic area for homeless services,
8 determined as follows and under the following condi-
9 tions:

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

17 “(B) AMOUNT.—

18 “(i) BASIS.—Such estimated grant
19 amount shall be based on a percentage of
20 the total funds available, or estimated to be
21 available, to carry out this subtitle for any
22 fiscal year that is equal to the percentage of
23 the total amount available for section 106 of
24 the Housing and Community Development

1 *Act of 1974 (42 U.S.C. 5306) for the prior*
2 *fiscal year that—*

3 “*I*) was allocated to all metro-
4 politan cities and urban counties within-
5 in the geographic area represented by
6 the collaborative applicant; or

7 “*II*) would have been distributed
8 to all counties within such geographic
9 area that are not urban counties, if the
10 30 percent portion of the allocation to
11 the State involved (as described in sub-
12 section (d)(1) of that section 106) for
13 that year had been distributed among
14 the counties that are not urban coun-
15 ties in the State in accordance with the
16 formula specified in that subsection
17 (with references in that subsection to
18 nonentitlement areas considered to be
19 references to those counties).

20 “(ii) *ADJUSTMENT*.—In computing the
21 estimated grant amount, the Secretary shall
22 adjust the estimated grant amount deter-
23 mined pursuant to clause (i) to ensure
24 that—

1 “(I) 75 percent of the total funds
2 available, or estimated to be available,
3 to carry out this subtitle for any fiscal
4 year are allocated to the metropolitan
5 cities and urban counties that received
6 a direct allocation of funds under sec-
7 tion 413 for the prior fiscal year; and

8 “(II) 25 percent of the total funds
9 available, or estimated to be available,
10 to carry out this subtitle for any fiscal
11 year are allocated—

12 “(aa) to the metropolitan cit-
13 ties and urban counties that did
14 not receive a direct allocation of
15 funds under section 413 for the
16 prior fiscal year; and

17 “(bb) to counties that are not
18 urban counties.

19 “(iii) COMBINATIONS OR CONSORTIA.—
20 For any collaborative applicant that rep-
21 resents a combination or consortium of cit-
22 ties or counties, the estimated grant amount
23 shall be the sum of the estimated grant
24 amounts for the cities or counties rep-
25 resented by the collaborative applicant.

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

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

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

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

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

18 “(a) *MINIMUM ALLOCATION FOR PERMANENT HOUS-*
19 *ING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH*
20 *DISABILITIES.*—

21 “(1) *IN GENERAL.*—From the amounts made
22 *available to carry out this subtitle for a fiscal year,*
23 *a portion equal to not less than 30 percent of the*
24 *sums made available under section 408, not including*
25 *amounts described in section 408(b), shall be used for*

1 *new permanent housing for homeless individuals with*
2 *disabilities and homeless families that include such*
3 *an individual who is an adult or a minor head of*
4 *household if no adult is present in the household.*

5 “(2) *CALCULATION.*—*In calculating the portion*
6 *of the amount described in paragraph (1) that is used*
7 *for activities that are described in paragraph (1), the*
8 *Secretary shall not count funds made available to*
9 *renew contracts for existing projects under section*
10 *408(b).*

11 “(3) *ADJUSTMENTS.*—*The 30 percent figure in*
12 *paragraph (1) shall be reduced as follows:*

13 “(A) *Proportionately based on need under*
14 *section 427(b)(2) in geographic areas for which*
15 *subsection (e) applies in regard to subsection*
16 *(d)(2)(A); and*

17 “(B) *by two percentage points for every*
18 *three percentage points above 35 percent of the*
19 *amount of funding provided under subtitle B*
20 *and this subtitle that is needed to renew existing*
21 *grants for one year, other than those provided for*
22 *under section 429.*

23 “(4) *TERMINATION.*—*The requirement estab-*
24 *lished in paragraph (1) shall terminate upon a find-*
25 *ing by the Secretary that since the beginning of 2001*

1 *at least 150,000 new units of permanent housing for*
2 *homeless individuals and families with disabilities*
3 *have been funded under this subtitle.*

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

11 “(c) *TREATMENT OF AMOUNTS FOR PERMANENT OR*
12 *TRANSITIONAL HOUSING.*—*Nothing in this Act may be con-*
13 *strued to establish a limit on the amount of funding that*
14 *an applicant may request under this subtitle for acquisi-*
15 *tion, construction, or rehabilitation activities for the devel-*
16 *opment of permanent housing or transitional housing.*

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

18 “(1) *IN GENERAL.*—*The Secretary shall provide*
19 *bonuses or other incentives to geographic areas for*
20 *using funding under this subtitle for activities that*
21 *have been proven to be effective at reducing homeless-*
22 *ness generally, reducing homelessness for a specific*
23 *subpopulation, or achieving homeless prevention and*
24 *independent living goals as set forth in section*
25 *427(b)(1)(F).*

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

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

8 “(B) for homeless families, rapid rehousing
9 services, short-term flexible subsidies to overcome
10 barriers to rehousing, support services concen-
11 trating on improving incomes to pay rent, cou-
12 pled with performance measures emphasizing
13 rapid and permanent rehousing and with
14 leveraging funding from mainstream family
15 service systems such as Temporary Assistance for
16 Needy Families and Child Welfare services; and

17 “(C) any other activity determined by the
18 Secretary, based on research and after notice and
19 comment to the public, to have been proven effec-
20 tive at reducing homelessness generally, reducing
21 homelessness for a specific subpopulation, or
22 achieving homeless prevention and independent
23 living goals as set forth in section 427(b)(1)(F).

24 “(3) BALANCE OF INCENTIVES FOR PROVEN
25 STRATEGIES.—To the extent practicable, in providing

1 bonuses or incentives for proven strategies, the Sec-
2 retary shall seek to maintain a balance among strate-
3 gies targeting homeless individuals, families, and
4 other subpopulations. The Secretary shall not imple-
5 ment bonuses or incentives that specifically discour-
6 age collaborative applicants from exercising their
7 flexibility to serve families with children and youth
8 defined as homeless under other Federal statutes.

9 “(e) INCENTIVES FOR SUCCESSFUL IMPLEMENTATION
10 OF PROVEN STRATEGIES.—If any geographic area dem-
11 onstrates that it has fully implemented any of the activities
12 described in subsection (d) for all homeless individuals and
13 families or for all members of subpopulations for whom such
14 activities are targeted, that geographic area shall receive the
15 bonus or incentive provided under subsection (d), but may
16 use such bonus or incentive for any eligible activity under
17 either section 423 or paragraphs (4) and (5) of section
18 415(a) for homeless people generally or for the relevant sub-
19 population.

20 **“SEC. 429. RENEWAL FUNDING AND TERMS OF ASSISTANCE**
21 **FOR PERMANENT HOUSING.**

22 “(a) *IN GENERAL.*—Renewal of permanent housing
23 contracts, as provided under section 408(b), may be funded
24 either under the appropriations account for this title or
25 may be funded under the section 8 project-based rental as-

1 *sistance account, except that renewal under the project-*
2 *based rental assistance account shall be contingent on suffi-*
3 *cient funding in such account for the full year renewal of*
4 *all project-based contracts expiring in such year.*

5 “(b) *RENEWALS.*—*The sums made available under sec-*
6 *tion 408(b) shall be available for the renewal of contracts*
7 *in the case of tenant-based assistance, successive one-year*
8 *terms, and in the case of project-based assistance, successive*
9 *terms of up to 15 years at the discretion of the applicant*
10 *or project sponsor and subject to the availability of annual*
11 *appropriations, for rental assistance and housing operation*
12 *costs associated with permanent housing projects funded*
13 *under this subtitle, or under subtitle C or F (as in effect*
14 *on the day before the effective date under section 503 of the*
15 *Homeless Emergency Assistance and Rapid Transition to*
16 *Housing Act of 2008). The Secretary shall determine wheth-*
17 *er to renew a contract for such a permanent housing project*
18 *on the basis of certification by the collaborative applicant*
19 *for the geographic area that—*

20 “(1) *there is a demonstrated need for the project;*
21 *and*

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

1 “(c) *CONSTRUCTION.*—Nothing in this section shall be
2 construed as prohibiting the Secretary from renewing con-
3 tracts under this subtitle in accordance with criteria set
4 forth in a provision of this subtitle other than this section.

5 **“SEC. 430. MATCHING FUNDING.**

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

18 “(b) *LIMITATIONS ON IN-KIND MATCH.*—The cash
19 value of services provided to the residents or clients of a
20 project sponsor by an entity other than the project sponsor
21 may count toward the contributions in subsection (a) only
22 when documented by a memorandum of understanding be-
23 tween the project sponsor and the other entity that such
24 services will be provided.

1 “(c) *COUNTABLE ACTIVITIES*.—The contributions re-
2 quired under subsection (a) may consist of—

3 “(1) funding for any eligible activity described
4 under section 423; and

5 “(2) subject to subsection (b), in-kind provision
6 of services of any eligible activity described under sec-
7 tion 423.

8 **“SEC. 431. APPEAL PROCEDURE.**

9 “(a) *IN GENERAL*.—With respect to funding under this
10 subtitle, if certification of consistency with the consolidated
11 plan pursuant to section 403 is withheld from an applicant
12 who has submitted an application for that certification,
13 such applicant may appeal such decision to the Secretary.

14 “(b) *PROCEDURE*.—The Secretary shall establish a
15 procedure to process the appeals described in subsection (a).

16 “(c) *DETERMINATION*.—Not later than 45 days after
17 the date of receipt of an appeal described in subsection (a),
18 the Secretary shall determine if certification was unreason-
19 ably withheld. If such certification was unreasonably with-
20 held, the Secretary shall review such application and deter-
21 mine if such applicant shall receive funding under this sub-
22 title.”.

23 **SEC. 306. RESEARCH.**

24 There is authorized to be appropriated \$8,000,000, for
25 each of fiscal years 2010, 2011, 2012, and 2013, for research

1 *into the efficacy of interventions for homeless families, to*
2 *be expended by the Secretary of Housing and Urban Devel-*
3 *opment over the 3 years at 3 different sites to provide serv-*
4 *ices for homeless families and evaluate the effectiveness of*
5 *such services.*

6 ***TITLE IV—RURAL HOUSING STA-***
7 ***BILITY ASSISTANCE PRO-***
8 ***GRAM***

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

10 *Subtitle G of title IV of the McKinney-Vento Homeless*
11 *Assistance Act (42 U.S.C. 11408 et seq.) is amended—*

12 *(1) by striking the subtitle heading and inserting*
13 *the following:*

14 ***“Subtitle G—Rural Housing***
15 ***Stability Assistance Program”;*** and

16 *(2) in section 491—*

17 *(A) by striking the section heading and in-*
18 *serting “**RURAL HOUSING STABILITY GRANT***
19 ***PROGRAM.**”;*

20 *(B) in subsection (a)—*

21 *(i) by striking “rural homelessness*
22 *grant program” and inserting “rural hous-*
23 *ing stability grant program”;*

4 (iii) by striking paragraphs (1), (2),
5 and (3), and inserting the following:

6 “(1) rehousing or improving the housing situa-
7 tions of individuals and families who are homeless or
8 at risk of homelessness in the geographic area;

9 “(2) stabilizing the housing of individuals and
10 families who are in imminent danger of losing hous-
11 ing; and

12 “(3) improving the ability of the lowest-income
13 residents of the community to afford stable housing.”;

14 (C) in subsection (b)(1)—

15 (i) by redesignating subparagraphs
16 (E), (F), and (G) as subparagraphs (I), (J),
17 and (K), respectively; and

18 (ii) by striking subparagraph (D) and
19 inserting the following:

20 “(D) construction of new housing units to
21 provide transitional or permanent housing to
22 homeless individuals and families and individ-
23 uals and families at risk of homelessness;

1 *provide transitional or permanent housing, other*
2 *than emergency shelter, to homeless individuals*
3 *and families and individuals and families at*
4 *risk of homelessness;*

5 *“(F) leasing of property, or portions of*
6 *property, not owned by the recipient or project*
7 *sponsor involved, for use in providing transi-*
8 *tional or permanent housing to homeless individ-*
9 *uals and families and individuals and families*
10 *at risk of homelessness, or providing supportive*
11 *services to such homeless and at-risk individuals*
12 *and families;*

13 *“(G) provision of rental assistance to pro-*
14 *vide transitional or permanent housing to home-*
15 *less individuals and families and individuals*
16 *and families at risk of homelessness, such rental*
17 *assistance may include tenant-based or project-*
18 *based rental assistance;*

19 *“(H) payment of operating costs for housing*
20 *units assisted under this title;”;*

21 *(D) in subsection (b)(2), by striking “ap-*
22 *propriated” and inserting “transferred”;*

23 *(E) in subsection (c)—*

9 (ii) in paragraph (6)—

19 (iii) by adding at the end the fol-
20 lowing:

21 “(7) a description of consultations that took
22 place within the community to ascertain the most im-
23 portant uses for funding under this section, including
24 the involvement of potential beneficiaries of the
25 project; and

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

4 (G) by striking subsections (f) and (g) and
5 inserting the following:

6 “(f) MATCHING FUNDING.—

7 “(1) IN GENERAL.—An organization eligible to
8 receive a grant under subsection (a) shall specify
9 matching contributions from any source other than a
10 grant awarded under this subtitle, that shall be made
11 available in the geographic area in an amount equal
12 to not less than 25 percent of the funds provided to
13 recipients in the geographic area, except that grants
14 for leasing shall not be subject to any match require-
15 ment.

16 “(2) LIMITATIONS ON IN-KIND MATCH.—The cash
17 value of services provided to the beneficiaries or cli-
18 ents of an eligible organization by an entity other
19 than the organization may count toward the contribu-
20 tions in paragraph (1) only when documented by a
21 memorandum of understanding between the organiza-
22 tion and the other entity that such services will be
23 provided.

24 “(3) COUNTABLE ACTIVITIES.—The contributions
25 required under paragraph (1) may consist of—

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

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

6 “(g) *SELECTION CRITERIA*.—The Secretary shall es-
7 tablish criteria for selecting recipients of grants under sub-
8 section (a), including—

9 “(1) the participation of potential beneficiaries
10 of the project in assessing the need for, and impor-
11 tance of, the project in the community;

12 “(2) the degree to which the project addresses the
13 most harmful housing situations present in the com-
14 munity;

15 “(3) the degree of collaboration with others in the
16 community to meet the goals described in subsection
17 (a);

18 “(4) the performance of the organization in im-
19 proving housing situations, taking account of the se-
20 verity of barriers of individuals and families served
21 by the organization;

22 “(5) for organizations that have previously re-
23 ceived funding under this section, the extent of im-
24 provement in homelessness and the worst housing sit-
25 uations in the community since such funding began;

1 “(6) the need for such funds, as determined by
2 the formula established under section 427(b)(2); and
3 “(7) any other relevant criteria as determined by
4 the Secretary.”;

5 (H) in subsection (h)—

6 (i) in paragraph (1)—

7 (I) in paragraph (1)(A), by strik-
8 ing “The” and inserting “Not later
9 than 18 months after funding is first
10 made available pursuant to the amend-
11 ments made by title IV of the Homeless
12 Emergency Assistance and Rapid
13 Transition to Housing Act of 2008,
14 the”; and

15 (II) by striking “providing hous-
16 ing and other assistance to homeless
17 persons” and inserting “meeting the
18 goals described in subsection (a)”;

19 (ii) in paragraph (1)(B), by striking
20 “address homelessness in rural areas” and
21 inserting “meet the goals described in sub-
22 section (a) in rural areas”; and

23 (iii) in paragraph (2)—

24 (I) by striking “The” and insert-
25 ing “Not later than 24 months after

10 (III) by striking “prevent and re-
11 spond to homelessness” and inserting
12 “meet the goals described in subsection
13 (a)”;

14 (I) in subsection (k)—

15 (i) in paragraph (1), by striking
16 “rural homelessness grant program” and
17 inserting “rural housing stability grant
18 program”; and

19 (ii) in paragraph (2)(B)(ii), by striking
20 “rural census tract” and inserting “cen-
21 sus tract where at least 75 percent of the
22 population is rural”;

23 (J) in subsection (l)—

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

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

“(1) *IN GENERAL.*—The Secretary shall determine the total amount of funding attributable under section 427(b)(2) to meet the needs of any geographic area in the Nation that applies for funding under this section. The Secretary shall transfer any amounts determined under this subsection from the Community Homeless Assistance Program and consolidate such transferred amounts for grants under this section, except that the Secretary shall transfer an amount not less than 5 percent of the amount available under this subtitle for grants under this section.”; and

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

19 "(m) DIVISION OF FUNDS.—

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

1 area to determine whether all agree to proceed under
2 either this subtitle or under subtitle C.

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

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

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

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

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

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

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

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

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

20 *(7) A description of barriers that homeless assist-*
21 *ance providers serving rural areas and rural commu-*
22 *nities encounter when seeking to access Federal home-*
23 *less assistance programs, and recommendations for re-*
24 *moving such barriers.*

21 (b) *ACQUISITION OF SUPPORTING INFORMATION.*—In
22 carrying out the study under this section, the Comptroller
23 General shall seek to obtain views from the following per-
24 sons:

25 (1) *The Secretary of Agriculture.*

5 (4) *The Secretary of Education.*

6 (5) *The Secretary of Labor.*

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

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

3 **SEC. 501. REPEALS.**

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

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

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

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

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

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

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

1 *viduals experiencing homelessness or groups experiencing*
2 *homelessness, respectively.”.*

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

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

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

12 (1) *the expiration of the 18-month period begin-*
13 *ning on the date of the enactment of this Act, or*
14 (2) *the expiration of the 3-month period begin-*
15 *ning upon publication by the Secretary of Housing*
16 *and Urban Development of final regulations pursuant*
17 *to section 504,*

18 *whichever occurs first.*

19 **SEC. 504. REGULATIONS.**

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

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

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

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

“TITLE IV—HOUSING ASSISTANCE

“Subtitle A—General Provisions

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

“Subtitle B—Emergency Solutions Grants Program

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

“Subtitle C—Continuum of Care Program

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

“Sec. 433. Reports to Congress.

“Subtitle D—Rural Housing Stability Assistance Program

“Sec. 491. Rural housing stability grant program.

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

Union Calendar No. 583

110TH CONGRESS
2D SESSION
H. R. 840

[Report No. 110-906]

A BILL

To amend the McKinney-Vento Homeless Assistance Act to consolidate the housing assistance programs for homeless persons under title IV of such Act, and for other purposes.

OCTOBER 2, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed