

111TH CONGRESS
1ST SESSION

S. 808

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

IN THE SENATE OF THE UNITED STATES

APRIL 2, 2009

Mr. REED (for himself, Mr. BOND, Mr. AKAKA, Mrs. BOXER, Ms. COLLINS, Mr. DURBIN, Mr. KERRY, Ms. KLOBUCHAR, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. SCHUMER, and Mr. WHITEHOUSE) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Homeless Emergency Assistance and Rapid Transition
6 to Housing Act of 2009”.

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.
- Sec. 205. GAO study of administrative fees.

TITLE III—CONTINUUM OF CARE PROGRAM

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

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

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

TITLE V—REPEALS AND CONFORMING AMENDMENTS

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

1 **SEC. 2. FINDINGS AND PURPOSES.**

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

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

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

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

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

14 (2) to codify in Federal law the continuum of
15 care planning process as a required and integral
16 local function necessary to generate the local strate-
17 gies for ending homelessness; and

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

21 **SEC. 3. DEFINITION OF HOMELESSNESS.**

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

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

3 (2) by striking subsection (a) and inserting the
4 following:

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

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

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

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

23 “(4) an individual who resided in a shelter or
24 place not meant for human habitation and who is

1 exiting an institution where he or she temporarily
2 resided;

3 “(5) an individual or family who—

4 “(A) will imminently lose their housing, in-
5 cluding housing they own, rent, or live in with-
6 out paying rent, are sharing with others, and
7 rooms in hotels or motels not paid for by Fed-
8 eral, State, or local government programs for
9 low-income individuals or by charitable organi-
10 zations, as evidenced by—

11 “(i) a court order resulting from an
12 eviction action that notifies the individual
13 or family that they must leave within 14
14 days;

15 “(ii) the individual or family having a
16 primary nighttime residence that is a room
17 in a hotel or motel and where they lack the
18 resources necessary to reside there for
19 more than 14 days; or

20 “(iii) credible evidence indicating that
21 the owner or renter of the housing will not
22 allow the individual or family to stay for
23 more than 14 days, and any oral statement
24 from an individual or family seeking home-
25 less assistance that is found to be credible

1 shall be considered credible evidence for
2 purposes of this clause;

3 “(B) has no subsequent residence identi-
4 fied; and

5 “(C) lacks the resources or support net-
6 works needed to obtain other permanent hous-
7 ing; and

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

11 “(A) have experienced a long term period
12 without living independently in permanent
13 housing,

14 “(B) have experienced persistent instability
15 as measured by frequent moves over such pe-
16 riod, and

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

24 “(b) DOMESTIC VIOLENCE AND OTHER DANGEROUS
25 OR LIFE-THREATENING CONDITIONS.—Notwithstanding

1 any other provision of this section, the Secretary shall con-
2 sider to be homeless any individual or family who is flee-
3 ing, or is attempting to flee, domestic violence, dating vio-
4 lence, sexual assault, stalking, or other dangerous or life-
5 threatening conditions in the individual's or family's cur-
6 rent housing situation, including where the health and
7 safety of children are jeopardized, and who have no other
8 residence and lack the resources or support networks to
9 obtain other permanent housing.”.

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

20 (c) CLARIFICATION OF EFFECT ON OTHER LAWS.—
21 This section and the amendments made by this section
22 to section 103 of the McKinney-Vento Homeless Assist-
23 ance Act (42 U.S.C. 11302) may not be construed to af-
24 fect, alter, limit, annul, or supersede any other provision
25 of Federal law providing a definition of “homeless”,

1 “homeless individual”, or “homeless person” for purposes
 2 other than such Act, except to the extent that such provi-
 3 sion refers to such section 103 or the definition provided
 4 in such section 103.

5 **SEC. 4. UNITED STATES INTERAGENCY COUNCIL ON HOME-**
 6 **LESSNESS.**

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

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

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

20 (A) in subsection (a)—

21 (i) by redesignating paragraph (16) as
 22 paragraph (22); and

23 (ii) by inserting after paragraph (15)
 24 the following:

1 “(16) The Commissioner of Social Security, or
2 the designee of the Commissioner.

3 “(17) The Attorney General of the United
4 States, or the designee of the Attorney General.

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

7 “(19) The Director of the Office of Faith-Based
8 and Community Initiatives, or the designee of the
9 Director.

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

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
20 the Council shall report to the Chairman of the Council.”;

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

22 (A) by redesignating paragraphs (1), (2),
23 (3), (4), (5), (6), and (7) as paragraphs (2),
24 (3), (4), (5), (9), (10), and (11), respectively;

1 (B) by inserting before paragraph (2), as
2 so redesignated by subparagraph (A), the fol-
3 lowing:

4 “(1) not later than 12 months after the date of
5 the enactment of the Homeless Emergency Assist-
6 ance and Rapid Transition to Housing Act of 2009,
7 develop, make available for public comment, and
8 submit to the President and to Congress a National
9 Strategic Plan to End Homelessness, and shall up-
10 date such plan annually;”;

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

15 (D) by inserting after paragraph (5), as so
16 redesignated by subparagraph (A), the fol-
17 lowing:

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

22 “(7) annually obtain from Federal agencies
23 their identification of consumer-oriented entitlement
24 and other resources for which persons experiencing
25 homelessness may be eligible and the agencies’ iden-

1 tification of improvements to ensure access; develop
 2 mechanisms to ensure access by persons experi-
 3 encing homelessness to all Federal, State, and local
 4 programs for which the persons are eligible, and to
 5 verify collaboration among entities within a commu-
 6 nity that receive Federal funding under programs
 7 targeted for persons experiencing homelessness, and
 8 other programs for which persons experiencing
 9 homelessness are eligible, including mainstream pro-
 10 grams identified by the Government Accountability
 11 Office in the reports entitled ‘Homelessness: Coordi-
 12 nation and Evaluation of Programs Are Essential’,
 13 issued February 26, 1999, and ‘Homelessness: Bar-
 14 riers to Using Mainstream Programs’, issued July 6,
 15 2000;

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

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

20 (E) in paragraph (10), as so redesignated
 21 by subparagraph (A), by striking “and” at the
 22 end;

23 (F) in paragraph (11), as so redesignated
 24 by subparagraph (A), by striking the period at
 25 the end and inserting a semicolon; and

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

3 “(12) develop constructive alternatives to crim-
4 inalizing homelessness and eliminate laws and poli-
5 cies that prohibit sleeping, feeding, sitting, resting,
6 or lying in public spaces when there are no suitable
7 alternatives, result in the destruction of a homeless
8 person’s property without due process, or are selec-
9 tively enforced against homeless persons; and

10 “(13) not later than the expiration of the 6-
11 month period beginning upon completion of the
12 study requested in a letter to the Acting Comptroller
13 General from the Chair and Ranking Member of the
14 House Financial Services Committee and several
15 other members regarding various definitions of
16 homelessness in Federal statutes, convene a meeting
17 of representatives of all Federal agencies and com-
18 mittees of the House of Representatives and the
19 Senate having jurisdiction over any Federal program
20 to assist homeless individuals or families, local and
21 State governments, academic researchers who spe-
22 cialize in homelessness, nonprofit housing and serv-
23 ice providers that receive funding under any Federal
24 program to assist homeless individuals or families,
25 organizations advocating on behalf of such nonprofit

1 providers and homeless persons receiving housing or
2 services under any such Federal program, and home-
3 less persons receiving housing or services under any
4 such Federal program, at which meeting such rep-
5 resentatives shall discuss all issues relevant to
6 whether the definitions of ‘homeless’ under para-
7 graphs (1) through (4) of section 103(a) of the
8 McKinney-Vento Homeless Assistance Act, as
9 amended by section 3 of the Homeless Emergency
10 Assistance and Rapid Transition to Housing Act of
11 2009, should be modified by the Congress, including
12 whether there is a compelling need for a uniform
13 definition of homelessness under Federal law, the ex-
14 tent to which the differences in such definitions cre-
15 ate barriers for individuals to accessing services and
16 to collaboration between agencies, and the relative
17 availability, and barriers to access by persons de-
18 fined as homeless, of mainstream programs identi-
19 fied by the Government Accountability Office in the
20 two reports identified in paragraph (7) of this sub-
21 section; and shall submit transcripts of such meet-
22 ing, and any majority and dissenting recommenda-
23 tions from such meetings, to each committee of the
24 House of Representatives and the Senate having ju-
25 risdiction over any Federal program to assist home-

1 less individuals or families not later than the expira-
 2 tion of the 60-day period beginning upon conclusion
 3 of such meeting.”;

4 (4) in section 203(b)(1) (42 U.S.C.
 5 11313(b))—

6 (A) by striking “Federal” and inserting
 7 “national”; and

8 (B) by striking “; and” and inserting “and
 9 pay for expenses of attendance at meetings
 10 which are concerned with the functions or ac-
 11 tivities for which the appropriation is made;”;

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

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

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

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

1 (b) EFFECTIVE DATE.—The amendments made by
 2 subsection (a) shall take effect on, and shall apply begin-
 3 ning 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 Home-
 8 less Assistance Act (42 U.S.C. 11361 et seq.) is amend-
 9 ed—

10 (1) by striking the subtitle heading and insert-
 11 ing the following:

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

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

16 (3) by inserting before section 403 (as so redес-
 17 igned by paragraph (2) of this section) the fol-
 18 lowing new section:

19 **“SEC. 401. DEFINITIONS.**

20 “For purposes of this title:

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

24 “(A) has income below 30 percent of me-
 25 dian 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
4 economic 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
15 an increased risk of homelessness.

16 Such term includes all families with children and
17 youth defined as homeless under other Federal stat-
18 utes.

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 Develop-
13 mental Disabilities Assistance and Bill of
14 Rights Act of 2000 (42 U.S.C. 15002)),
15 post traumatic stress disorder, cognitive
16 impairments resulting from a brain injury,
17 or chronic physical illness or disability, in-
18 cluding the co-occurrence of 2 or more of
19 those conditions.

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 di-
 14 rectly 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
 20 collaborative applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 “(A) a first and last name;

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

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

5 “(D) a social security number; and

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

11 “(17) PRIVATE NONPROFIT ORGANIZATION.—

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

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

17 “(B) that has a voluntary board;

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

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

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

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

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

8 “(A) is between—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 “(A) is between—

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

5 and

6 “(ii) an independent entity that—

7 “(I) is a private organization;

8 and

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

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

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

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

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

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

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

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

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

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

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

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

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

4 “(I) the provision of—

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

8 “(ii) health care; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 “(e) APPOINTMENT OF AGENT.—

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

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

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

15 “(C) perform other administrative duties.

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

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

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

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

3 “(A) to determine compliance with—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 “(g) UNIFIED FUNDING.—

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

25 “(A) the collaborative applicant—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 “(a) IN GENERAL.—After the expiration of the 2-
 9 year period that begins upon the date of the enactment
 10 of the Homeless Emergency Assistance and Rapid Transi-
 11 tion to Housing Act of 2009, and except as provided in
 12 subsection (b), any project sponsor receiving funds under
 13 this title to provide emergency shelter, transitional hous-
 14 ing, or permanent housing to families with children under
 15 age 18 shall not deny admission to any family based on
 16 the age of any child under age 18.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 “There are authorized to be appropriated to carry out
 25 this title \$2,200,000,000 for fiscal year 2010 and such
 26 sums as may be necessary for fiscal year 2011.”.

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

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

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

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

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

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

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

15 (4) by striking section 412 (42 U.S.C. 11372)
 16 and inserting the following:

17 **“SEC. 412. GRANT ASSISTANCE.**

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

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

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

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

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

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

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

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

3 **“SEC. 415. ELIGIBLE ACTIVITIES.**

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

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

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

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

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

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

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

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

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

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

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

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

4 “(2) the amount expended by such grantee for
5 such activities during fiscal year most recently com-
6 pleted before the effective date under section 503 of
7 the Homeless Emergency Assistance and Rapid
8 Transition to Housing Act of 2009.”.

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

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

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

21 **SEC. 204. ADMINISTRATIVE PROVISION.**

22 Section 418 of the McKinney-Vento Homeless Assist-
23 ance Act (42 U.S.C. 11378) is amended by striking “5
24 percent” and inserting “7.5 percent”.

1 **SEC. 205. GAO STUDY OF ADMINISTRATIVE FEES.**

2 Not later than the expiration of the 12-month period
3 beginning on the date of the enactment of this Act, the
4 Comptroller General of the United States shall—

5 (1) conduct a study to examine the appropriate
6 administrative costs for administering the program
7 authorized under subtitle B of title IV of the McKin-
8 ney-Vento Homeless Assistance Act (42 U.S.C.
9 11371 et seq.); and

10 (2) submit to Congress a report on the findings
11 of the study required under paragraph (1).

12 **TITLE III—CONTINUUM OF CARE**
13 **PROGRAM**

14 **SEC. 301. CONTINUUM OF CARE.**

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

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

20 **“Subtitle C—Continuum of Care**
21 **Program”;**

22 and

23 (2) by striking sections 421 and 422 (42 U.S.C.
24 11381 and 11382) and inserting the following new
25 sections:

1 **“SEC. 421. PURPOSES.**

2 “The purposes of this subtitle are—

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

5 “(2) to provide funding for efforts by nonprofit
6 providers and State and local governments to quickly
7 rehouse homeless individuals and families while
8 minimizing the trauma and dislocation caused to in-
9 dividuals, families, and communities by homeless-
10 ness;

11 “(3) to promote access to, and effective utiliza-
12 tion of, mainstream programs described in section
13 203(a)(7) and programs funded with State or local
14 resources; and

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

17 **“SEC. 422. CONTINUUM OF CARE APPLICATIONS AND**
18 **GRANTS.**

19 “(a) PROJECTS.—The Secretary shall award grants,
20 on a competitive basis, and using the selection criteria de-
21 scribed in section 427, to carry out eligible activities under
22 this subtitle for projects that meet the program require-
23 ments under section 426, either by directly awarding
24 funds to project sponsors or by awarding funds to unified
25 funding agencies.

1 “(b) NOTIFICATION OF FUNDING AVAILABILITY.—

2 The Secretary shall release a notification of funding avail-
 3 ability for grants awarded under this subtitle for a fiscal
 4 year not later than 3 months after the date of the enact-
 5 ment of the appropriate Act making appropriations for the
 6 Department of Housing and Urban Development for such
 7 fiscal year.

8 “(c) APPLICATIONS.—

9 “(1) SUBMISSION TO THE SECRETARY.—To be
 10 eligible to receive a grant under subsection (a), a
 11 project sponsor or unified funding agency in a geo-
 12 graphic area shall submit an application to the Sec-
 13 retary at such time and in such manner as the Sec-
 14 retary may require, and containing such information
 15 as the Secretary determines necessary—

16 “(A) to determine compliance with the pro-
 17 gram requirements and selection criteria under
 18 this subtitle; and

19 “(B) to establish priorities for funding
 20 projects in the geographic area.

21 “(2) ANNOUNCEMENT OF AWARDS.—

22 “(A) IN GENERAL.—Except as provided in
 23 subparagraph (B), the Secretary shall an-
 24 nounce, within 5 months after the last date for
 25 the submission of applications described in this

subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

“(B) TRANSITION.—For a period of up to 2 years beginning after the effective date under section 503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall announce, within 6 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

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

“(1) REQUIREMENTS FOR OBLIGATION.—

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

“(B) ACQUISITION, REHABILITATION, OR CONSTRUCTION.—Not later than 24 months

1 after the announcement referred to in sub-
2 section (c)(2), each recipient or project sponsor
3 seeking the obligation of funds for acquisition
4 of housing, rehabilitation of housing, or con-
5 struction of new housing for a grant announced
6 under subsection (c)(2) shall meet all require-
7 ments for the obligation of those funds, includ-
8 ing site control, matching funds, and environ-
9 mental review requirements.

10 “(C) EXTENSIONS.—At the discretion of
11 the Secretary, and in compelling circumstances,
12 the Secretary may extend the date by which a
13 recipient or project sponsor shall meet the re-
14 quirements described in subparagraphs (A) and
15 (B) if the Secretary determines that compliance
16 with the requirements was delayed due to fac-
17 tors beyond the reasonable control of the recipi-
18 ent or project sponsor. Such factors may in-
19 clude difficulties in obtaining site control for a
20 proposed project, completing the process of ob-
21 taining secure financing for the project, obtain-
22 ing approvals from State or local governments,
23 or completing the technical submission require-
24 ments for the project.

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

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

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

10 “(B) shall distribute the appropriate por-
11 tion of the funds to a project sponsor not later
12 than 45 days after receiving a request for such
13 distribution from the project sponsor.

14 “(4) EXPENDITURE OF FUNDS.—The Secretary
15 may establish a date by which funds made available
16 through a grant announced under subsection (c)(2)
17 for a homeless assistance project shall be entirely ex-
18 pended by the recipient or project sponsors involved.
19 The date established under this paragraph shall not
20 occur before the expiration of the 24-month period
21 beginning on the date that funds are obligated for
22 activities described under paragraphs (1) or (2) of
23 section 423(a). The Secretary shall recapture the
24 funds not expended by such date. The Secretary
25 shall reallocate the funds for another homeless as-

1 sistance and prevention project that meets the re-
 2 quirements of this subtitle to be carried out, if pos-
 3 sible and appropriate, in the same geographic area
 4 as the area served through the original grant.

5 “(e) RENEWAL FUNDING FOR UNSUCCESSFUL AP-
 6 PLICANTS.—The Secretary may renew funding for a spe-
 7 cific project previously funded under this subtitle that the
 8 Secretary determines meets the purposes of this subtitle,
 9 and was included as part of a total application that met
 10 the criteria of subsection (c), even if the application was
 11 not selected to receive grant assistance. The Secretary
 12 may renew the funding for a period of not more than 1
 13 year, and under such conditions as the Secretary deter-
 14 mines to be appropriate.

15 “(f) CONSIDERATIONS IN DETERMINING RENEWAL
 16 FUNDING.—When providing renewal funding for leasing,
 17 operating costs, or rental assistance for permanent hous-
 18 ing, the Secretary shall make adjustments proportional to
 19 increases in the fair market rents in the geographic area.

20 “(g) MORE THAN 1 APPLICATION FOR A GEO-
 21 GRAPHIC AREA.—If more than 1 collaborative applicant
 22 applies for funds for a geographic area, the Secretary shall
 23 award funds to the collaborative applicant with the highest
 24 score based on the selection criteria set forth in section
 25 427.

1 “(h) APPEALS.—

2 “(1) IN GENERAL.—The Secretary shall estab-
3 lish a timely appeal procedure for grant amounts
4 awarded or denied under this subtitle pursuant to a
5 collaborative application or solo application for fund-
6 ing.

7 “(2) PROCESS.—The Secretary shall ensure
8 that the procedure permits appeals submitted by en-
9 tities carrying out homeless housing and services
10 projects (including emergency shelters and homeless-
11 ness prevention programs), and all other applicants
12 under this subtitle.

13 “(i) SOLO APPLICANTS.—A solo applicant may sub-
14 mit an application to the Secretary for a grant under sub-
15 section (a) and be awarded such grant on the same basis
16 as such grants are awarded to other applicants based on
17 the criteria described in section 427, but only if the Sec-
18 retary determines that the solo applicant has attempted
19 to participate in the continuum of care process but was
20 not permitted to participate in a reasonable manner. The
21 Secretary may award such grants directly to such appli-
22 cants in a manner determined to be appropriate by the
23 Secretary.

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

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

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

21 “(3) TREATMENT OF CERTAIN POPULATIONS.—

22 “(A) IN GENERAL.—Notwithstanding sec-
23 tion 103(a) and subject to subparagraph (B),
24 funds awarded under this subtitle may be used
25 for eligible activities to serve unaccompanied

youth and homeless families and children defined as homeless under section 103(a)(6) only pursuant to paragraph (1) of this subsection and such families and children shall not otherwise be considered as homeless for purposes of this subtitle.

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

SEC. 302. ELIGIBLE ACTIVITIES.

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

“SEC. 423. ELIGIBLE ACTIVITIES.

“(a) IN GENERAL.—Grants awarded under section 422 to qualified applicants shall be used to carry out

1 projects that serve homeless individuals or families that
2 consist of one or more of the following eligible activities:

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

5 “(2) Acquisition or rehabilitation of a structure
6 to provide transitional or permanent housing, other
7 than emergency shelter, or to provide supportive
8 services.

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

13 “(4) Provision of rental assistance to provide
14 transitional or permanent housing to eligible per-
15 sons. The rental assistance may include tenant-
16 based, project-based, or sponsor-based rental assist-
17 ance. Project-based rental assistance, sponsor-based
18 rental assistance, and operating cost assistance con-
19 tracts carried out by project sponsors receiving
20 grants under this section may, at the discretion of
21 the applicant and the project sponsor, have an initial
22 term of 15 years, with assistance for the first 5
23 years paid with funds authorized for appropriation
24 under this Act, and assistance for the remainder of
25 the term treated as a renewal of an expiring con-

1 tract as provided in section 429. Project-based rent-
2 al assistance may include rental assistance to pre-
3 serve existing permanent supportive housing for
4 homeless individuals and families.

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

10 “(6) Supportive services for individuals and
11 families who are currently homeless, who have been
12 homeless in the prior six months but are currently
13 residing in permanent housing, or who were pre-
14 viously homeless and are currently residing in per-
15 manent supportive housing.

16 “(7) Provision of rehousing services, including
17 housing search, mediation or outreach to property
18 owners, credit repair, providing security or utility
19 deposits, rental assistance for a final month at a lo-
20 cation, assistance with moving costs, or other activi-
21 ties that—

22 “(A) are effective at moving homeless indi-
23 viduals and families immediately into housing;
24 or

1 “(B) may benefit individuals and families
2 who in the prior 6 months have been homeless,
3 but are currently residing in permanent hous-
4 ing.

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

8 “(9) Operation of, participation in, and ensur-
9 ing consistent participation by project sponsors in, a
10 community-wide homeless management information
11 system.

12 “(10) In the case of a collaborative applicant
13 that is a legal entity, payment of administrative
14 costs related to meeting the requirements described
15 in paragraphs (1) and (2) of section 402(f), for
16 which the collaborative applicant may use not more
17 than 3 percent of the total funds made available in
18 the geographic area under this subtitle for such
19 costs.

20 “(11) In the case of a collaborative applicant
21 that is a unified funding agency under section
22 402(g), payment of administrative costs related to
23 meeting the requirements of that section, for which
24 the unified funding agency may use not more than
25 3 percent of the total funds made available in the

1 geographic area under this subtitle for such costs, in
2 addition to funds used under paragraph (10).

3 “(12) Payment of administrative costs to
4 project sponsors, for which each project sponsor may
5 use not more than 10 percent of the total funds
6 made available to that project sponsor through this
7 subtitle for such costs.

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

11 “(c) USE RESTRICTIONS.—

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

18 “(2) OTHER ACTIVITIES.—A project that con-
19 sists of activities described in any of paragraphs (3)
20 through (12) of subsection (a) shall be operated for
21 the purpose specified in the application submitted
22 for the project under section 422 for the duration of
23 the grant period involved.

24 “(3) CONVERSION.—If the recipient or project
25 sponsor carrying out a project that provides transi-

1 tional or permanent housing submits a request to
 2 the Secretary to carry out instead a project for the
 3 direct benefit of low-income persons, and the Sec-
 4 retary determines that the initial project is no longer
 5 needed to provide transitional or permanent housing,
 6 the Secretary may approve the project described in
 7 the request and authorize the recipient or project
 8 sponsor to carry out that project.

9 “(d) REPAYMENT OF ASSISTANCE AND PREVENTION
 10 OF UNDUE BENEFITS.—

11 “(1) REPAYMENT.—If a recipient or project
 12 sponsor receives assistance under section 422 to
 13 carry out a project that consists of activities de-
 14 scribed in paragraph (1) or (2) of subsection (a) and
 15 the project ceases to provide transitional or perma-
 16 nent housing—

17 “(A) earlier than 10 years after operation
 18 of the project begins, the Secretary shall re-
 19 quire the recipient or project sponsor to repay
 20 100 percent of the assistance; or

21 “(B) not earlier than 10 years, but earlier
 22 than 15 years, after operation of the project be-
 23 gins, the Secretary shall require the recipient or
 24 project sponsor to repay 20 percent of the as-
 25 sistance for each of the years in the 15-year pe-

1 riod for which the project fails to provide that
2 housing.

3 “(2) PREVENTION OF UNDUE BENEFITS.—Ex-
4 cept as provided in paragraph (3), if any property
5 is used for a project that receives assistance under
6 subsection (a) and consists of activities described in
7 paragraph (1) or (2) of subsection (a), and the sale
8 or other disposition of the property occurs before the
9 expiration of the 15-year period beginning on the
10 date that operation of the project begins, the recipi-
11 ent or project sponsor who received the assistance
12 shall comply with such terms and conditions as the
13 Secretary may prescribe to prevent the recipient or
14 project sponsor from unduly benefitting from such
15 sale or disposition.

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

20 “(A) the sale or disposition of the property
21 used for the project results in the use of the
22 property for the direct benefit of very low-in-
23 come persons;

24 “(B) all of the proceeds of the sale or dis-
25 position are used to provide transitional or per-

1 manent housing meeting the requirements of
2 this subtitle;

3 “(C) project-based rental assistance or op-
4 erating cost assistance from any Federal pro-
5 gram or an equivalent State or local program is
6 no longer made available and the project is
7 meeting applicable performance standards, pro-
8 vided that the portion of the project that had
9 benefitted from such assistance continues to
10 meet the tenant income and rent restrictions for
11 low-income units under section 42(g) of the In-
12 ternal Revenue Code of 1986; or

13 “(D) there are no individuals and families
14 in the geographic area who are homeless, in
15 which case the project may serve individuals
16 and families at risk of homelessness.

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

20 “(f) ELIGIBILITY FOR PERMANENT HOUSING.—Any
21 project that receives assistance under subsection (a) and
22 that provides project-based or sponsor-based permanent
23 housing for homeless individuals or families with a dis-
24 ability, including projects that meet the requirements of
25 subsection (a) and subsection (d)(2)(A) of section 428

1 may also serve individuals who had previously met the re-
 2 quirements for such project prior to moving into a dif-
 3 ferent permanent housing project.

4 “(g) ADMINISTRATION OF RENTAL ASSISTANCE.—
 5 Provision of permanent housing rental assistance shall be
 6 administered by a State, unit of general local government,
 7 or public housing agency.”.

8 **SEC. 303. HIGH PERFORMING COMMUNITIES.**

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

12 **“SEC. 424. INCENTIVES FOR HIGH-PERFORMING COMMU-**
 13 **NITIES.**

14 “(a) DESIGNATION AS A HIGH-PERFORMING COMMU-
 15 NITY.—

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

19 “(2) CONSIDERATION.—In determining whether
 20 to designate a collaborative applicant as a high-per-
 21 forming community under paragraph (1), the Sec-
 22 retary shall establish criteria to ensure that the re-
 23 quirements described under paragraphs (1)(B) and
 24 (2)(B) of subsection (d) are measured by comparing
 25 homeless individuals and families under similar cir-

1 cumstances, in order to encourage projects in the ge-
2 ographic area to serve homeless individuals and fam-
3 ilies with more severe barriers to housing stability.

4 “(3) 2-YEAR PHASE IN.—In each of the first 2
5 years after the effective date under section 503 of
6 the Homeless Emergency Assistance and Rapid
7 Transition to Housing Act of 2009, the Secretary
8 shall designate not more than 10 collaborative appli-
9 cants as high-performing communities.

10 “(4) EXCESS OF QUALIFIED APPLICANTS.—If,
11 during the 2-year period described under paragraph
12 (2), more than 10 collaborative applicants could
13 qualify to be designated as high-performing commu-
14 nities, the Secretary shall designate the 10 that
15 have, in the discretion of the Secretary, the best per-
16 formance based on the criteria described under sub-
17 section (d).

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

24 “(b) APPLICATION.—

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

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

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

12 “(B) information that such applicant can
 13 meet the requirements described under sub-
 14 section (d).

15 “(3) PUBLICATION OF APPLICATION.—The Sec-
 16 retary shall—

17 “(A) publish any report or information
 18 submitted in an application under this section
 19 in the geographic area represented by the col-
 20 laborative applicant; and

21 “(B) seek comments from the public as to
 22 whether the collaborative applicant seeking des-
 23 ignation as a high-performing community meets
 24 the requirements described under subsection
 25 (d).

1 “(c) USE OF FUNDS.—Funds awarded under section
 2 422(a) to a project sponsor who is located in a high-per-
 3 forming community may be used—

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

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

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

13 “(1) TERM OF HOMELESSNESS.—The mean
 14 length of episodes of homelessness for that geo-
 15 graphic area—

16 “(A) is less than 20 days; or

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

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

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

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

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

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

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

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

24 “(5) FLEXIBILITY TO SERVE PERSONS DEFINED
 25 AS HOMELESS UNDER OTHER FEDERAL LAWS.—

1 With respect to collaborative applicants exercising
 2 the authority under section 422(j) to serve homeless
 3 families with children and youth defined as homeless
 4 under other Federal statutes, effectiveness in achiev-
 5 ing the goals and outcomes identified in subsection
 6 427(b)(1)(F) according to such standards as the
 7 Secretary shall promulgate.

8 “(e) COOPERATION AMONG ENTITIES.—A collabo-
 9 rative applicant designated as a high-performing commu-
 10 nity under this section shall cooperate with the Secretary
 11 in distributing information about successful efforts within
 12 the geographic area represented by the collaborative appli-
 13 cant to reduce homelessness.”.

14 **SEC. 304. PROGRAM REQUIREMENTS.**

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

17 (1) by striking subsections (a), (b), and (c) and
 18 inserting the following:

19 “(a) SITE CONTROL.—The Secretary shall require
 20 that each application include reasonable assurances that
 21 the applicant will own or have control of a site for the
 22 proposed project not later than the expiration of the 12-
 23 month period beginning upon notification of an award for
 24 grant assistance, unless the application proposes providing
 25 supportive housing assistance under section 423(a)(3) or

1 housing that will eventually be owned or controlled by the
 2 families and individuals served. An applicant may obtain
 3 ownership or control of a suitable site different from the
 4 site specified in the application. If any recipient or project
 5 sponsor fails to obtain ownership or control of the site
 6 within 12 months after notification of an award for grant
 7 assistance, the grant shall be recaptured and reallocated
 8 under this subtitle.

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

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

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

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

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

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

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

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

17 “(D) in the case of programs that provide
18 housing or services to families, they will des-
19 ignate a staff person to be responsible for en-
20 suring that children being served in the pro-
21 gram are enrolled in school and connected to
22 appropriate services in the community, includ-
23 ing early childhood programs such as Head
24 Start, part C of the Individuals with Disabil-
25 ities Education Act, and programs authorized

1 under subtitle B of title VII of this Act(42
2 U.S.C. 11431 et seq.); and

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

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

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

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

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

4 (2) by redesignating subsection (d) as sub-
 5 section (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
 12 (h), 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 sub-
 19 section (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);

25 and

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

4 (3) by inserting after section 426 the following
5 new sections:

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 Sec-
10 retary.

11 “(b) REQUIRED CRITERIA.—

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

14 “(A) the previous performance of the re-
15 cipient regarding homelessness, including per-
16 formance related to funds provided under sec-
17 tion 412 (except that recipients applying from
18 geographic areas where no funds have been
19 awarded under this subtitle, or under subtitles
20 C, D, E, or F of title IV of this Act, as in effect
21 prior to the date of the enactment of the Home-
22 less Emergency Assistance and Rapid Transi-
23 tion to Housing Act of 2009, shall receive full
24 credit for performance under this subpara-
25 graph), measured by criteria that shall be an-

nounced by the Secretary, that shall take into account barriers faced by individual homeless people, and that shall include—

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

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

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

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

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

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

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

“(viii) for collaborative applicants that have exercised the authority under section 422(j) to serve families with children and youth defined as homeless under other

1 Federal statutes, success in achieving the
2 goals and outcomes identified in section
3 427(b)(1)(F);

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

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

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

12 “(iii) how the recipient will collaborate
13 with local education authorities to assist in
14 the identification of individuals and fami-
15 lies who become or remain homeless and
16 are informed of their eligibility for services
17 under subtitle B of title VII of this Act
18 (42 U.S.C. 11431 et seq.);

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

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

23 “(II) incorporate comprehensive
24 strategies for reducing homelessness,

1 including the interventions referred to
 2 in section 428(d);

3 “(III) set quantifiable perform-
 4 ance measures;

5 “(IV) set timelines for completion
 6 of specific tasks;

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

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

12 “(v) whether the recipient proposes to
 13 exercise authority to use funds under sec-
 14 tion 422(j), and if so, how the recipient
 15 will achieve the goals and outcomes identi-
 16 fied in section 427(b)(1)(F);

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

21 “(i) uses periodically collected infor-
 22 mation and analysis to determine the ex-
 23 tent to which each project has resulted in
 24 rapid return to permanent housing for
 25 those served by the project, taking into ac-

1 count the severity of barriers faced by the
2 people the project serves;

3 “(ii) considers the full range of opin-
4 ions from individuals or entities with
5 knowledge of homelessness in the geo-
6 graphic area or an interest in preventing
7 or ending homelessness in the geographic
8 area;

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

12 “(iv) is open to proposals from enti-
13 ties that have not previously received funds
14 under this subtitle;

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

22 “(E) demonstrated coordination by the re-
23 cipient with the other Federal, State, local, pri-
24 vate, and other entities serving individuals and
25 families experiencing homelessness and at risk

1 of homelessness in the planning and operation
2 of projects;

3 “(F) for collaborative applicants exercising
4 the authority under section 422(j) to serve
5 homeless families with children and youth de-
6 fined as homeless under other Federal statutes,
7 program goals and outcomes, which shall in-
8 clude—

9 “(i) preventing homelessness among
10 the subset of such families with children
11 and youth who are at highest risk of be-
12 coming homeless, as such term is defined
13 for purposes of this title; or

14 “(ii) achieving independent living in
15 permanent housing among such families
16 with children and youth, especially those
17 who have a history of doubled-up and other
18 temporary housing situations or are living
19 in a temporary housing situation due to
20 lack of available and appropriate emer-
21 gency shelter, through the provision of eli-
22 gible assistance that directly contributes to
23 achieving such results including assistance
24 to address chronic disabilities, chronic
25 physical health or mental health condi-

tions, substance addiction, histories of domestic violence or childhood abuse, or multiple barriers to employment; and

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

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

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

“(B) AMOUNT.—

“(i) FORMULA.—Such estimated grant amounts shall be determined by a formula, which shall be developed by the Secretary, by regulation, not later than the expiration of the 2-year period beginning

1 upon the date of the enactment of the
2 Homeless Emergency Assistance and
3 Rapid Transition to Housing Act of 2009,
4 that is based upon factors that are appro-
5 priate to allocate funds to meet the goals
6 and objectives of this subtitle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 “(5) TERMINATION.—The requirement estab-
22 lished in paragraph (1) shall terminate upon a find-
23 ing by the Secretary that since the beginning of
24 2001 at least 150,000 new units of permanent hous-

1 ing for homeless individuals and families with dis-
2 abilities have been funded under this subtitle.

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

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

18 “(d) INCENTIVES FOR PROVEN STRATEGIES.—

19 “(1) IN GENERAL.—The Secretary shall provide
20 bonuses or other incentives to geographic areas for
21 using funding under this subtitle for activities that
22 have been proven to be effective at reducing home-
23 lessness generally, reducing homelessness for a spe-
24 cific subpopulation, or achieving homeless prevention

1 and independent living goals as set forth in section
2 427(b)(1)(F).

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

8 “(A) permanent supportive housing for
9 chronically homeless individuals and families;

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

20 “(C) any other activity determined by the
21 Secretary, based on research and after notice
22 and comment to the public, to have been proven
23 effective at reducing homelessness generally, re-
24 ducing homelessness for a specific subpopula-
25 tion, or achieving homeless prevention and inde-

1 pendent living goals as set forth in section
2 427(b)(1)(F).

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

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

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

3 “(a) IN GENERAL.—Renewal of expiring contracts
4 for leasing, rental assistance, or operating costs for per-
5 manent housing contracts may be funded either—

6 “(1) under the appropriations account for this
7 title; or

8 “(2) the section 8 project-based rental assist-
9 ance account.

10 “(b) RENEWALS.—The sums made available under
11 subsection (a) shall be available for the renewal of con-
12 tracts in the case of tenant-based assistance, successive
13 1-year terms, and in the case of project-based assistance,
14 successive terms of up to 15 years at the discretion of the
15 applicant or project sponsor and subject to the availability
16 of annual appropriations, for rental assistance and hous-
17 ing operation costs associated with permanent housing
18 projects funded under this subtitle, or under subtitle C
19 or F (as in effect on the day before the effective date of
20 the Homeless Emergency Assistance and Rapid Transition
21 to Housing Act of 2009). The Secretary shall determine
22 whether to renew a contract for such a permanent housing
23 project on the basis of certification by the collaborative
24 applicant for the geographic area that—

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

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

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

9 **“SEC. 430. MATCHING FUNDING.**

10 “(a) IN GENERAL.—A collaborative applicant in a ge-
11 ographic area in which funds are awarded under this sub-
12 title shall specify contributions from any source other than
13 a grant awarded under this subtitle, including renewal
14 funding of projects assisted under subtitles C, D, and F
15 of this title as in effect before the effective date under
16 section 503 of the Homeless Emergency Assistance and
17 Rapid Transition to Housing Act of 2009, that shall be
18 made available in the geographic area in an amount equal
19 to not less than 25 percent of the funds provided to recipi-
20 ents in the geographic area, except that grants for leasing
21 shall not be subject to any match requirement.

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

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

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

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

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

11 **“SEC. 431. APPEAL PROCEDURE.**

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

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

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

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

3 **SEC. 306. RESEARCH.**

4 There is authorized to be appropriated \$8,000,000,
 5 for each of fiscal years 2010 and 2011, for research into
 6 the efficacy of interventions for homeless families, to be
 7 expended by the Secretary of Housing and Urban Develop-
 8 ment over the 2 years at 3 different sites to provide serv-
 9 ices for homeless families and evaluate the effectiveness
 10 of such services.

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

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

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

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

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

22 and

23 (2) in section 491—

1 (A) by striking the section heading and in-
 2 serting “**RURAL HOUSING STABILITY**
 3 **GRANT PROGRAM.**”;

4 (B) in subsection (a)—

5 (i) by striking “rural homelessness
 6 grant program” and inserting “rural hous-
 7 ing stability grant program”;

8 (ii) by inserting “in lieu of grants
 9 under subtitle C” after “eligible organiza-
 10 tions”; and

11 (iii) by striking paragraphs (1), (2),
 12 and (3), and inserting the following:

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

17 “(2) stabilizing the housing of individuals and
 18 families who are in imminent danger of losing hous-
 19 ing; and

20 “(3) improving the ability of the lowest-income
 21 residents of the community to afford stable hous-
 22 ing.”;

23 (C) in subsection (b)(1)—

1 (i) by redesignating subparagraphs
2 (E), (F), and (G) as subparagraphs (I),
3 (J), and (K), respectively; and

4 (ii) by striking subparagraph (D) and
5 inserting the following:

6 “(D) construction of new housing units to
7 provide transitional or permanent housing to
8 homeless individuals and families and individ-
9 uals and families at risk of homelessness;

10 “(E) acquisition or rehabilitation of a
11 structure to provide supportive services or to
12 provide transitional or permanent housing,
13 other than emergency shelter, to homeless indi-
14 viduals and families and individuals and fami-
15 lies at risk of homelessness;

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

24 “(G) provision of rental assistance to pro-
25 vide transitional or permanent housing to home-

1 less individuals and families and individuals and
 2 families at risk of homelessness, such rental as-
 3 sistance may include tenant-based or project-
 4 based rental assistance;

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

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

9 (E) in subsection (c)—

10 (i) in paragraph (1)(A), by striking
 11 “appropriated” and inserting “trans-
 12 ferred”; and

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

15 (F) in subsection (d)—

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

18 (ii) in paragraph (6)—

19 (I) by striking “an agreement”
 20 and all that follows through “fami-
 21 lies” and inserting the following: “a
 22 description of how individuals and
 23 families who are homeless or who have
 24 the lowest incomes in the community

1 will be involved by the organization”;
2 and

3 (II) by striking the period at the
4 end, and inserting a semicolon; and

5 (iii) by adding at the end the fol-
6 lowing:

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

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

15 (G) by striking subsections (f) and (g) and
16 inserting the following:

17 “(f) MATCHING FUNDING.—

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

1 for leasing shall not be subject to any match require-
 2 ment.

3 “(2) LIMITATIONS ON IN-KIND MATCH.—The
 4 cash value of services provided to the beneficiaries or
 5 clients of an eligible organization by an entity other
 6 than the organization may count toward the con-
 7 tributions in paragraph (1) only when documented
 8 by a memorandum of understanding between the or-
 9 ganization and the other entity that such services
 10 will be provided.

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

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

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

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

21 “(1) the participation of potential beneficiaries
 22 of the project in assessing the need for, and impor-
 23 tance of, the project in the community;

1 “(2) the degree to which the project addresses
2 the most harmful housing situations present in the
3 community;

4 “(3) the degree of collaboration with others in
5 the community to meet the goals described in sub-
6 section (a);

7 “(4) the performance of the organization in im-
8 proving housing situations, taking account of the se-
9 verity of barriers of individuals and families served
10 by the organization;

11 “(5) for organizations that have previously re-
12 ceived funding under this section, the extent of im-
13 provement in homelessness and the worst housing
14 situations in the community since such funding
15 began;

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

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

20 (H) in subsection (h)—

21 (i) in paragraph (1), in the matter
22 preceding subparagraph (A), by striking
23 “The” and inserting “Not later than 18
24 months after funding is first made avail-
25 able pursuant to the amendments made by

1 title IV of the Homeless Emergency Assist-
2 ance and Rapid Transition to Housing Act
3 of 2009, the”; and

4 (ii) in paragraph (1)(A), by striking
5 “providing housing and other assistance to
6 homeless persons” and inserting “meeting
7 the goals described in subsection (a)”;

8 (iii) in paragraph (1)(B), by striking
9 “address homelessness in rural areas” and
10 inserting “meet the goals described in sub-
11 section (a) in rural areas”; and

12 (iv) in paragraph (2)—

13 (I) by striking “The” and insert-
14 ing “Not later than 24 months after
15 funding is first made available pursu-
16 ant to the amendment made by title
17 IV of the Homeless Emergency As-
18 sistance and Rapid Transition to
19 Housing Act of 2009, the”;

20 (II) by striking “, not later than
21 18 months after the date on which the
22 Secretary first makes grants under
23 the program,”; and

24 (III) by striking “prevent and re-
25 spond to homelessness” and inserting

1 “meet the goals described in sub-
2 section (a)”;

3 (I) in subsection (k)—

4 (i) in paragraph (1), by striking
5 “rural homelessness grant program” and
6 inserting “rural housing stability grant
7 program”; and

8 (ii) in paragraph (2)—

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

11 (II) in subparagraph (B)(ii), by
12 striking “rural census tract.” and in-
13 serting “county where at least 75 per-
14 cent of the population is rural; or”;
15 and

16 (III) by adding at the end the
17 following:

18 “(C) any area or community, respectively,
19 located in a State that has population density
20 of less than 30 persons per square mile (as re-
21 ported in the most recent decennial census),
22 and of which at least 1.25 percent of the total
23 acreage of such State is under Federal jurisdic-
24 tion, provided that no metropolitan city (as
25 such term is defined in section 102 of the

1 Housing and Community Development Act of
 2 1974) in such State is the sole beneficiary of
 3 the grant amounts awarded under this sec-
 4 tion.”;

5 (J) in subsection (I)—

6 (i) by striking the subsection heading
 7 and inserting “PROGRAM FUNDING.—”;
 8 and

9 (ii) by striking paragraph (1) and in-
 10 serting the following:

11 “(1) IN GENERAL.—The Secretary shall deter-
 12 mine the total amount of funding attributable under
 13 section 427(b)(2) to meet the needs of any geo-
 14 graphic area in the Nation that applies for funding
 15 under this section. The Secretary shall transfer any
 16 amounts determined under this subsection from the
 17 Community Homeless Assistance Program and con-
 18 solidate such transferred amounts for grants under
 19 this section, except that the Secretary shall transfer
 20 an amount not less than 5 percent of the amount
 21 available under subtitle C for grants under this sec-
 22 tion. Any amounts so transferred and not used for
 23 grants under this section due to an insufficient num-
 24 ber of applications shall be transferred to be used
 25 for grants under subtitle C.”; and

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

2 “(m) DETERMINATION OF FUNDING SOURCE.—For
3 any fiscal year, in addition to funds awarded under sub-
4 title B, funds under this title to be used in a city or county
5 shall only be awarded under either subtitle C or subtitle
6 D.”.

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

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

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

22 (2) An estimate of the incidence and prevalence
23 of homelessness among individuals and families in
24 rural areas and rural communities of the United
25 States.

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

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

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

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

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

23 (8) An assessment of the type and amount of
24 Federal homeless assistance funds awarded to orga-
25 nizations serving rural areas and rural communities

1 and a determination as to whether such amount is
2 proportional to the distribution of homeless individ-
3 uals and families in and from rural areas and rural
4 communities compared to homeless individuals and
5 families in non-rural areas and non-rural commu-
6 nities.

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

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

22 (1) The Secretary of Agriculture.

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

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

3 (4) The Secretary of Education.

4 (5) The Secretary of Labor.

5 (6) The Secretary of Veterans Affairs.

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

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

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

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

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

19 **TITLE V—REPEALS AND** 20 **CONFORMING AMENDMENTS**

21 **SEC. 501. REPEALS.**

22 Subtitles D, E, and F of title IV of the McKinney-
23 Vento Homeless Assistance Act (42 U.S.C. 11391 et seq.,
24 11401 et seq., and 11403 et seq.) are hereby repealed.

1 **SEC. 502. CONFORMING AMENDMENTS.**

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

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

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

10 (b) PERSONS EXPERIENCING HOMELESSNESS.—Sec-
11 tion 103 of the McKinney-Vento Homeless Assistance Act
12 (42 U.S.C. 11302), as amended by the preceding provi-
13 sions of this Act, is further amended by adding at the end
14 the following new subsection:

15 “(e) PERSONS EXPERIENCING HOMELESSNESS.—
16 Any references in this Act to homeless individuals (includ-
17 ing homeless persons) or homeless groups (including
18 homeless persons) shall be considered to include, and to
19 refer to, individuals experiencing homelessness or groups
20 experiencing homelessness, respectively.”.

21 (c) RURAL HOUSING STABILITY ASSISTANCE.—Title
22 IV of the McKinney-Vento Homeless Assistance Act is
23 amended by redesignating subtitle G (42 U.S.C. 11408
24 et seq.), as amended by the preceding provisions of this
25 Act, as subtitle D.

1 **SEC. 503. EFFECTIVE DATE.**

2 Except as specifically provided otherwise in this Act,
3 this Act and the amendments made by this Act shall take
4 effect on, and shall apply beginning on—

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

7 (2) the expiration of the 3-month period begin-
8 ning upon publication by the Secretary of Housing
9 and Urban Development of final regulations pursu-
10 ant to section 504,
11 whichever occurs first.

12 **SEC. 504. REGULATIONS.**

13 (a) IN GENERAL.—Not later than 12 months after
14 the date of the enactment of this Act, the Secretary of
15 Housing and Urban Development shall promulgate regula-
16 tions governing the operation of the programs that are
17 created or modified by this Act.

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

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

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

“TITLE IV—HOUSING ASSISTANCE

“Subtitle A—General Provisions

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

“Subtitle B—Emergency Solutions Grants Program

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

“Subtitle C—Continuum of Care Program

- “Sec. 421. Purposes.
- “Sec. 422. Continuum of care applications and grants.
- “Sec. 423. Eligible activities.
- “Sec. 424. Incentives for high-performing communities.
- “Sec. 425. Supportive services.
- “Sec. 426. Program requirements.
- “Sec. 427. Selection criteria.
- “Sec. 428. Allocation of amounts and incentives for specific eligible activities.
- “Sec. 429. Renewal funding and terms of assistance for permanent housing.
- “Sec. 430. Matching funding.
- “Sec. 431. Appeal procedure.
- “Sec. 432. Regulations.
- “Sec. 433. Reports to Congress.

“Subtitle D—Rural Housing Stability Assistance Program

- “Sec. 491. Rural housing stability assistance.
- “Sec. 492. Use of FHMA inventory for transitional housing for homeless persons and for turnkey housing.”.

