

Union Calendar No. 858

115TH CONGRESS
2^D SESSION

H. R. 1511

[Report No. 115–1026, Part I]

To amend the McKinney-Vento Homeless Assistance Act to meet the needs of homeless children, youth, and families, and honor the assessments and priorities of local communities.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2017

Mr. STIVERS (for himself and Mr. LOEBSACK) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

NOVEMBER 14, 2018

Reported from the Committee on Financial Services with amendments

[Omit the part struck through and insert the part printed in *italic*]

NOVEMBER 14, 2018

Referral to the Committee on Education and the Workforce extended for a period ending not later than December 28, 2018

DECEMBER 28, 2018

Additional sponsors: Mrs. BEATTY, Mr. WALZ, Mr. DEFazio, Ms. JAYAPAL, Mr. LIPINSKI, Mrs. MCMORRIS RODGERS, Mr. POCAN, Ms. MOORE, Ms. BONAMICI, Mr. FITZPATRICK, Mr. YOUNG of Iowa, Ms. HANABUSA, Mr. CARBAJAL, Mr. BACON, Mr. POSEY, Ms. SINEMA, Mr. DANNY K. DAVIS of Illinois, Mr. CLAY, Mr. HILL, and Mr. BERA

DECEMBER 28, 2018

Committee on Education and the Workforce discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the McKinney-Vento Homeless Assistance Act to meet the needs of homeless children, youth, and families, and honor the assessments and priorities of local communities.

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.**

4 This Act may be cited as the “Homeless Children and
5 Youth Act of 2017”.

6 **SEC. 2. AMENDMENTS TO THE MCKINNEY-VENTO HOME-**
7 **LESS ASSISTANCE ACT.**

8 (a) IN GENERAL.—The McKinney-Vento Homeless
9 Assistance Act is amended—

10 (1) in section 103 (42 U.S.C. 11302)—

11 (A) in subsection (a)—

12 (i) in paragraph (5)(A)—

13 (I) by striking “are sharing” and
14 all that follows through “charitable
15 organizations,”;

16 (II) by striking “14 days” each
17 place that term appears and inserting
18 “30 days”;

19 (III) in clause (i), by inserting
20 “or” after the semicolon;

21 (IV) by striking clause (ii); and

22 (V) by redesignating clause (iii)
23 as clause (ii); and

24 (ii) by amending paragraph (6) to
25 read as follows:

1 “(6) a child or youth defined as homeless under
2 another Federal program who, without further ac-
3 tion by the Department of Housing and Urban De-
4 velopment, has been verified as homeless under an-
5 other Federal program by the director, designee of
6 the director, or other person responsible for the im-
7 plementation of a program established under this
8 Act or any other Federal statute.”; and

9 (B) by adding at the end the following:

10 “(f) OTHER DEFINITIONS.—In this section—

11 “(1) the term ‘child or youth defined as home-
12 less under another Federal program’ has the mean-
13 ing given the term in section 401; and

14 “(2) the term ‘other Federal statute’ has the
15 meaning given the term in section 401.

16 “(g) PROHIBITION.—The Secretary of Housing and
17 Urban Development may not—

18 “(1) promulgate any rule with respect to the
19 definition of the terms ‘homeless’, ‘homeless indi-
20 vidual’, and ‘homeless person’ in subsection (a); or

21 “(2) issue non-regulatory guidance or set forth
22 in an application, a notice of funding availability, or
23 other publication or advisory any statement or provi-
24 sion that—

1 “(A) has the effect of restricting eligibility
2 for assistance for any individual defined as
3 ‘homeless’ under subsection (a) for any pro-
4 gram or program component under this Act; or

5 “(B) purports to be legally binding.”;

6 (2) in section 401 (42 U.S.C. 11360)—

7 (A) in paragraph (1)(C)—

8 (i) by striking clauses (ii) and (iv);

9 (ii) by redesignating clauses (iii), (v),
10 (vi), and (vii) as clauses (ii), (iii), (iv), and
11 (v), respectively; and

12 (iii) by striking the flush text fol-
13 lowing clause (v), as so redesignated;

14 (B) by striking paragraph (7);

15 (C) by redesignating paragraphs (2)
16 through (6) as paragraphs (3) through (7), re-
17 spectively;

18 (D) by inserting after paragraph (1) the
19 following:

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

1 “(A) a homeless child or youth, as defined
2 in section 725, including any parent or guard-
3 ian with whom the child or youth is living; and

4 “(B) a youth who—

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

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

8 “(iii) has no other safe alternative liv-
9 ing arrangement.”;

10 (E) in paragraph (3)(A), as so redesign-
11 nated—

12 (i) in clause (i), by striking “and
13 lives” and all that follows through “shel-
14 ter” and inserting “under any provision of
15 section 103”; and

16 (ii) in clause (iii), by striking “(or a
17 minor head of household if no adult is
18 present in the household)” and inserting “,
19 a minor head of household (if no adult is
20 present in the household), or a child”;

21 (F) in paragraph (9)(A), by inserting “any
22 provision of” before “section 103”;

23 (G) by redesignating paragraphs (14)
24 through (33) as paragraphs (15) through (34),
25 respectively;

1 (H) by inserting after paragraph (13) the
2 following:

3 “(14) OTHER FEDERAL STATUTE.—The term
4 ‘other Federal statute’ includes—

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

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

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

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

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

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

18 “(G) the Higher Education Act of 1965
19 (20 U.S.C. 1001 et seq.); and

20 “(H) the United States Housing Act of
21 1937 (42 U.S.C. 1437 et seq.).”;

22 (I) in paragraph (32), as so redesignated,
23 by inserting “children under 5 years of age,
24 youth and young adults between 14 and 25
25 years of age,” after “status, or age),”;

1 (J) in paragraph (33), as so redesignated,
2 by inserting “trafficking,” after “victims of”;
3 and

4 (K) in paragraph (34), as so redesignated—
5

6 (i) by inserting “victims of traf-
7 ficking,” after “assist”;

8 (ii) by striking “stalking victims” and
9 inserting “stalking”; and

10 (iii) by inserting “trafficking,” after
11 “concerning”;

12 (3) in section 402(f) (42 U.S.C. 11360a(f))—

13 (A) in paragraph (1)(B), by inserting
14 “considering the prevalence and needs of home-
15 less individuals, as defined under any provision
16 of section 103” after “involved”; and

17 (B) in paragraph (3)(D)—

18 (i) in clause (v), by striking “and” at
19 the end;

20 (ii) by redesignating clause (vi) as
21 clause (vii); and

22 (iii) by inserting after clause (v) the
23 following:

1 “(vi) the submission of HMIS data to
2 the Secretary on at least an annual basis;
3 and”;

4 (4) by inserting after section 408 the following:

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

6 “(a) IN GENERAL.—The community-wide homeless
7 management information system (in this section referred
8 to as ‘HMIS’) data provided to the Secretary under sec-
9 tion 402(f)(3)(D)(vi) shall be made publically available on
10 the Internet website of the Department of Housing and
11 Urban Development.

12 “(b) REQUIRED DATA.—The data publically available
13 under subsection (a) shall be updated on at least an an-
14 nual basis and shall include—

15 “(1) a cumulative count of the number of home-
16 less individuals and families, as defined under any
17 provision of section 103;

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

21 “(3) a count of the number of homeless individ-
22 uals and families, as defined under any provision of
23 section 103, that are documented through the HMIS
24 by each collaborative applicant; and

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

“(A) age range;

“(B) disability; *and*

~~“(C) trauma experience, such as child
abuse, sexual assault, or interpersonal violence
experienced during the lifetime of the woman
and during the preceding year, and if the
woman is a veteran (as defined in section 101
of title 38, United States Code), during the pe-
riod of service; and~~

~~“(D) (C) length of time experiencing home-
lessness.”;~~

(5) in section 422 (42 U.S.C. 11382)—

(A) in subsection (a)—

(i) by striking “The Secretary” and
inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(ii) by adding at the end the fol-
lowing:

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

1 “(A) may not award greater priority,
2 points, or weight in scoring based solely on the
3 specific homeless populations proposed to be
4 served by the applicant, or the proposed pro-
5 gram component or housing or service model;
6 and

7 “(B) shall ensure that scoring is based pri-
8 marily on the extent to which the applicant
9 demonstrates that the project and program
10 components—

11 “(i) would meet the priorities identi-
12 fied in the plan submitted under section
13 427(b)(1)(B); and

14 “(ii) are cost-effective in meeting the
15 overall goals and objectives identified in
16 that plan.”;

17 (B) in subsection (b)—

18 (i) by striking “The Secretary” and
19 inserting the following:

20 “(1) IN GENERAL.—The Secretary”; and

21 (ii) by adding at the end the fol-
22 lowing:

23 “(2) RESTRICTIONS.—Each notification of
24 funding availability described in paragraph (1) shall

1 comply with the restrictions described in subsection
2 (a)(2).”;

3 (C) in subsection (c)(1)(B), by striking
4 “establish” and inserting “demonstrate local,
5 needs-based”; and

6 (D) by striking subsection (j);

7 (6) in section 424(d) (42 U.S.C. 11384(d)), by
8 striking paragraph (5);

9 (7) in section 425(c) (42 U.S.C. 11385(c)), by
10 striking “and (G) providing” and inserting “(G) pro-
11 viding transportation to employment, early care and
12 education programs, career and technical education
13 programs, and health and mental health care serv-
14 ices, and (H) providing”;

15 (8) in section 426(b) (42 U.S.C. 11386(b))—

16 (A) in paragraph (4), by amending sub-
17 paragraph (D) to read as follows:

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

23 “(i) enrolled in school and connected
24 to appropriate services in the community,
25 including Head Start, part C of the Indi-

viduals with Disabilities Act, programs authorized under the Child Care and Development Block Grant Act of 1990, career and technical education, and services provided by local educational agency liaisons designated under subtitle B of title VII of this Act; and

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

(B) in paragraph (6), by inserting “the actual compliance with the certifications required under paragraph (4) and” after “Secretary”; and

(C) in paragraph (7)—

(i) by inserting “and youth” after “needs of children”;

(ii) by inserting “or unaccompanied youth” after “when families”;

(iii) by inserting “and unaccompanied youth” after “with children”; and

(iv) by striking “such children’s” and inserting “such children and youth’s”;

(9) in section 427(b) (42 U.S.C. 11386a(b))—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clause (vi), by adding “and” at the end;

(II) in clause (vii), by striking “and” at the end; and

(III) by striking clause (viii);

(ii) in subparagraph (B)—

(I) by amending clause (iii) to read as follows:

“(iii) how the recipient will collaborate with local educational agencies, early care and education programs, and institutions of higher education to assist in the identification of and services to youth and families who become or remain homeless, including the steps the recipient will take to inform youth and families of their eligibility for services under part B of subtitle VII of this Act, the Head Start Act (42

1 U.S.C. 9831 et seq.), the Child Care and
2 Development Block Grant Act of 1990 (42
3 U.S.C. 9858 et seq.), and the Higher Edu-
4 cation Act of 1965 (20 U.S.C. 1001 et
5 seq.);” and

6 (II) by striking clause (v) and in-
7 serting the following:

8 “(v) how the recipient will ensure the
9 full implementation of the certifications
10 and agreements described in paragraphs
11 (4)(D) and (7) of section 426(b);”;

12 (iii) in subparagraph (C)(i), by insert-
13 ing “and appropriate” after “rapid”;

14 (iv) by striking subparagraph (F) and
15 inserting the following:

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

19 “(i) ensures that individuals who are
20 most in need of assistance receive it in a
21 timely manner;

22 “(ii) in assessing need under clause
23 (i), uses separate, specific, age-appropriate
24 criteria for assessing the safety and needs
25 of children under 5 years of age, school-

1 age children, unaccompanied youth and
2 young adults between 14 and 25 years of
3 age, and families that are unrelated to the
4 criteria through which an individual quali-
5 fies as ‘homeless’ under section 103;

6 “(iii) is accessible to unaccompanied
7 youth and homeless families;

8 “(iv) diverts individuals to safe, sta-
9 ble, age-appropriate accommodations; and

10 “(v) includes affordable housing devel-
11 opers, youth service providers, early child-
12 hood programs, local educational agencies,
13 and mental health organizations; and”;
14 and

15 (v) by amending subparagraph (G) to
16 read as follows:

17 “(G) such other factors as the Secretary
18 determines to be appropriate to carry out this
19 subtitle in an effective and efficient manner, ex-
20 cept that such factors may not have the effect
21 of prioritizing or weighting, unless justified by
22 local data or information contained in a plan
23 submitted under subparagraph (B)—

1 “(i) any service with respect to a spe-
2 cific subpopulation of homeless individuals
3 over another; or

4 “(ii) any program component or hous-
5 ing or service model over another.”; and

6 (B) by amending paragraph (3) to read as
7 follows:

8 “(3) HOMELESSNESS COUNTS.—The Secretary
9 shall require that communities that conduct an an-
10 nual count of homeless people shall count homeless
11 individuals as defined under any provision of section
12 103.”;

13 (10) in section 428 (42 U.S.C. 11386b)—

14 (A) in subsection (a)(1)—

15 (i) by striking “disabilities and” and
16 inserting “disabilities,”; and

17 (ii) by inserting “, and homeless fami-
18 lies where a child has a disability” before
19 the period at the end;

20 (B) in subsection (d)—

21 (i) in paragraph (1), by inserting
22 “promoting” before “independent”; and

23 (ii) by striking paragraphs (2) and (3)
24 and inserting the following:

1 “(2) PROHIBITION.—The Secretary shall not
2 provide bonuses or other incentives under paragraph
3 (1) that have the effect of prioritizing or weighting,
4 unless justified by local data or information con-
5 tained in a plan submitted under section
6 427(b)(1)(B)—

7 “(A) any service with respect to a specific
8 subpopulation of homeless individuals over an-
9 other; or

10 “(B) any program component or housing
11 or service model over another.

12 “(3) RULE OF CONSTRUCTION.—For purposes
13 of this subsection, activities that have been proven to
14 be effective at reducing homelessness generally or re-
15 ducing homelessness for a specific subpopulation in-
16 clude any activity determined by the Secretary, after
17 providing notice and an opportunity for public com-
18 ment, to have been proven effective at—

19 “(A) reducing homelessness generally;

20 “(B) reducing homelessness for a specific
21 subpopulation;

22 “(C) reducing homelessness in a commu-
23 nity for populations overrepresented in any
24 counts conducted in that community under sec-
25 tion 427(b)(3); or

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

4 “(4) ENCOURAGING LOCAL SUCCESS AND INNO-
5 VATION.—In providing bonuses or incentives under
6 paragraph (1), the Secretary shall seek to encourage
7 the implementation of proven strategies and innova-
8 tion in reducing homelessness among the local pri-
9 ority populations identified in the plan submitted by
10 an applicant under section 427(b)(1)(B). The Sec-
11 retary shall not implement bonuses or incentives
12 that promote a national priority established by the
13 Secretary.”; and

14 (C) by striking subsection (e); and

15 (11) by amending section 434 (42 U.S.C.
16 11388) to read as follows:

17 **“SEC. 434. REPORTS TO CONGRESS.**

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

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

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

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

3 “(B) data on programs funded under any
4 other Federal statute.

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

8 (b) TECHNICAL AND CONFORMING AMENDMENT.—
9 The table of contents in section 101(b) of the McKinney-
10 Vento Homeless Assistance Act (42 U.S.C. 11301 note)
11 is amended by inserting after the item relating to section
12 408 the following:

“Sec. 409. Availability of HMIS data.”.

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