

(f) Duties

A collaborative applicant shall—

(1) design a collaborative process for the development of an application under part C, and for evaluating the outcomes of projects for which funds are awarded under part B, in such a manner as to provide information necessary for the Secretary—

(A) to determine compliance with—

(i) the program requirements under section 11386 of this title; and

(ii) the selection criteria described under section 11386a of this title; and

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

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

(3) ensure operation of, and consistent participation by, project sponsors in a community-wide homeless management information system (in this subsection referred to as “HMIS”) that—

(A) collects unduplicated counts of individuals and families experiencing homelessness;

(B) analyzes patterns of use of assistance provided under parts B and C for the geographic area involved;

(C) provides information to project sponsors and applicants for needs analyses and funding priorities; and

(D) is developed in accordance with standards established by the Secretary, including standards that provide for—

(i) encryption of data collected for purposes of HMIS;

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

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

(iv) rights of persons receiving services under this subchapter;

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

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

(g) Unified funding**(1) In general**

In addition to the duties described in subsection (f), a collaborative applicant shall receive from the Secretary and distribute to other project sponsors in the applicable geographic area funds for projects to be carried out by such other project sponsors, if—

(A) the collaborative applicant—

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

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

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

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

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

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

(ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

(2) Required actions by a unified funding agency

A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

(A) require each project sponsor who is funded by a grant received under part C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds awarded to the project sponsor under part C in order to ensure that all financial transactions carried out under part C are conducted, and records maintained, in accordance with generally accepted accounting principles; and

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

(h) Conflict of interest

No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.

(Pub. L. 100–77, title IV, §402, as added Pub. L. 111–22, div. B, title I, §1102, May 20, 2009, 123 Stat. 1674.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (g)(1)(B)(i)(II), was in the original “this Act”, meaning Pub. L. 100–77, July 22, 1987, 101 Stat. 482, known as the McKinney-Vento Homeless Assistance Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of this title and Tables.

PRIOR PROVISIONS

A prior section 402 of Pub. L. 100–77 was renumbered section 406 and is classified to section 11362 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the earlier of 18 months after May 20, 2009, or 3 months after publication of certain final regulations by Secretary of Housing and Urban Development, see section 1503 of Pub. L. 111–22, set out as an Effective Date of 2009 Amendment note under section 11302 of this title.

§ 11361. Housing affordability strategy

Assistance may be made under this subchapter only if the grantee certifies that it is following—

(1) a consolidated plan which has been approved by the Secretary in accordance with

section 12705 of this title (referred to in such section as a “comprehensive housing affordability strategy”), or

(2) a comprehensive homeless assistance plan which was approved by the Secretary during the 180-day period beginning on November 28, 1990, or during such longer period as may be prescribed by the Secretary in any case for good cause.

(Pub. L. 100-77, title IV, § 403, formerly § 401, July 22, 1987, 101 Stat. 494; Pub. L. 100-628, title IV, §§ 401-404, Nov. 7, 1988, 102 Stat. 3230, 3231; Pub. L. 101-625, title VIII, §§ 831, 832(e)(3), 836(a), Nov. 28, 1990, 104 Stat. 4357, 4360, 4366; renumbered § 403 and amended Pub. L. 111-22, div. B, title I, § 1101(2), title V, § 1502(a), May 20, 2009, 123 Stat. 1669, 1701.)

Editorial Notes

AMENDMENTS

2009—Par. (1). Pub. L. 111-22, § 1502(a), substituted “consolidated plan” for “current housing affordability strategy” and inserted before the comma “(referred to in such section as a ‘comprehensive housing affordability strategy’)”.

1990—Pub. L. 101-625, § 836(a), amended section generally, substituting present provisions for provisions requiring the annual submission of a comprehensive homeless assistance plan with requirements for contents of the plan, review of the plan, performance reviews under the plan, publication by notice, applications for assistance, coordination with State agencies, and consultation with other private and public groups and entities regarding the plan.

Subsec. (a). Pub. L. 101-625, § 831(b)(1), inserted at end “Assistance authorized by this subchapter may be provided to any Indian tribe that is eligible to receive a grant under the emergency shelter grants program in any fiscal year, but only if the tribe submits biennially to the Secretary of Housing and Urban Development a comprehensive homeless assistance plan under this section.”

Subsec. (a)(1). Pub. L. 101-625, § 831(c)(2)(A), substituted “biennially” for “annually”.

Subsec. (b)(2). Pub. L. 101-625, § 831(c)(2)(B), substituted “, services, and programs” for “and services”.

Subsec. (b)(3). Pub. L. 101-625, § 831(c)(2)(C), substituted “, services, and programs” for “and services” in cl. (A), struck out “and” before “(B)”, and added cls. (C) to (F).

Subsec. (b)(5). Pub. L. 101-625, § 831(b)(2), inserted “Indian tribe,” after “State.”

Subsec. (b)(7), (8). Pub. L. 101-625, § 831(a), added pars. (7) and (8).

Subsec. (b)(9). Pub. L. 101-625, § 832(e)(3), added par. (9).

Subsecs. (c)(1), (d). Pub. L. 101-625, § 831(b)(3), (4), inserted “Indian tribe,” after “State,” wherever appearing.

Subsec. (g). Pub. L. 101-625, § 831(b)(5), inserted “(or tribal agency or contact)” after “State contact person”, “(or tribe)” before comma, and “(or tribal agency or contact person)” after “or contact person”.

Subsec. (h). Pub. L. 101-625, § 831(c)(1), added subsec. (h).

1988—Subsec. (a)(1). Pub. L. 100-628, § 401(a), inserted “annually” after “submits”.

Subsec. (a)(2), (3). Pub. L. 100-628, § 401(b), added par. (2) and redesignated former par. (2) as (3).

Subsec. (b)(3). Pub. L. 100-628, § 402(1), inserted “facilities and” before “services” and struck out “and” at end.

Subsec. (b)(4). Pub. L. 100-628, § 402(2), inserted “facilities and” before “services” and substituted a semicolon for period at end.

Subsec. (b)(5), (6). Pub. L. 100-628, § 402(3), added pars. (5) and (6).

Subsec. (d)(3). Pub. L. 100-628, § 403, inserted before period at end “or to respond to recommendations made in accordance with paragraph (2) that are received at least 60 days prior to the beginning of the fiscal year”.

Subsec. (g). Pub. L. 100-628, § 404, added subsec. (g).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-22 effective on the earlier of 18 months after May 20, 2009, or 3 months after publication of certain final regulations by Secretary of Housing and Urban Development, see section 1503 of Pub. L. 111-22, set out as a note under section 11302 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-625, title VIII, § 836(b), Nov. 28, 1990, 104 Stat. 4366, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1991.”

EVALUATION OF PROGRAMS

Pub. L. 102-550, title XIV, § 1409, Oct. 28, 1992, 106 Stat. 4038, as amended by Pub. L. 105-362, title VII, § 701(c), Nov. 10, 1998, 112 Stat. 3287; Pub. L. 106-400, § 2, Oct. 30, 2000, 114 Stat. 1675, provided that the Secretary of Housing and Urban Development would conduct a comprehensive review and evaluation of the effectiveness of each program under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.) examining procedures of the Department in carrying out such programs, the procedures of recipients of assistance under such programs in carrying out such programs, and the effects and benefits of such programs.

HOMELESS HOUSING ACT OF 1986

Pub. L. 99-500, § 101(g) [H.R. 5313, title V], Oct. 18, 1986, 100 Stat. 1783-242, and Pub. L. 99-591, § 101(g) [H.R. 5313, title V], Oct. 30, 1986, 100 Stat. 3341-242; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100-202, § 106, Dec. 22, 1987, 101 Stat. 1329-433, provided that title V of H.R. 5315 be cited as the “Homeless Housing Act of 1986”, established a transitional housing demonstration program and directed Secretary of Housing and Urban Development to submit to Congress, not later than 3 months after the end of fiscal year 1987, an interim report summarizing activities under this program during such fiscal year and, not later than 6 months after the end of fiscal year 1988, a final report summarizing such activities, established an emergency shelter grants program to make grants to States, units of local government, and private nonprofit organizations providing assistance to the homeless, and appropriated \$15,000,000 for fiscal year 1987, to remain available until expended, to carry out both programs.

§ 11361a. Preventing involuntary family separation

(a) In general

After the expiration of the 2-year period that begins upon May 20, 2009, and except as provided in subsection (b), any project sponsor receiving funds under this subchapter to provide emergency shelter, transitional housing, or permanent housing to families with children under age 18 shall not deny admission to any family based on the age of any child under age 18.

(b) Exception

Notwithstanding the requirement under subsection (a), project sponsors of transitional housing receiving funds under this subchapter may target transitional housing resources to families with children of a specific age only if the project sponsor—