

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.

§ 11373. Allocation and distribution of assistance**(a) In general**

The Secretary shall allocate assistance under this part to metropolitan cities, urban counties, and States (for distribution to local governments and private nonprofit organizations in the States) in a manner that ensures that the percentage of the total amount available under this part for any fiscal year that is allocated to any State, metropolitan city, or urban county is equal to the percentage of the total amount available for section 5306 of this title for such prior fiscal year that is allocated to such State, metropolitan city, or urban county.

(b) Minimum allocation requirement

If, under the allocation provisions applicable under this part, any metropolitan city or urban county would receive a grant of less than 0.05 percent of the amounts appropriated under section 11364 of this title and made available to carry out this part for any fiscal year, such amount shall instead be reallocated to the State, except that any city that is located in a State that does not have counties as local governments, that has a population greater than 40,000 but less than 50,000 as used in determining the fiscal year 1987 community development block grant program allocation, and that was allocated in excess of \$1,000,000 in community development block grant funds in fiscal year 1987, shall receive directly the amount allocated to such city under subsection (a).

(c) Distributions to nonprofit organizations, public housing agencies, and local redevelopment authorities

Any local government receiving assistance under this part may distribute all or a portion of such assistance to private nonprofit organizations providing assistance to homeless individuals, to public housing agencies (as defined under section 1437a(b)(6) of this title), or to local redevelopment authorities (as defined under State law). Any State receiving assistance under this part may distribute all or a portion of such assistance to private nonprofit organizations providing assistance to homeless individuals, if the local government for the locality in which the project is located certifies that it approves of the project.

(d) Reallocation of funds

(1) The Secretary shall, not less than once during each fiscal year, reallocate any assistance provided under this part that is unused or returned or that becomes available under subsection (b).

(2) If a city or county eligible for a grant under subsection (a) fails to obtain approval of its comprehensive plan during the 90-day period following the date funds authorized by this part

first become available for allocation during any fiscal year, the amount that the city or county would have received shall be available to the State in which the city or county is located if the State has obtained approval of its comprehensive plan. Any amounts that cannot be allocated to a State under the preceding sentence shall be reallocated to other States, counties, and cities that demonstrate extraordinary need or large numbers of homeless individuals, as determined by the Secretary.

(3) If a State fails to obtain approval of its comprehensive plan during the 90-day period following the date funds authorized by this part first become available for allocation during any fiscal year, the amount that the State would have received shall be reallocated to other States and to cities and counties as applicable, that demonstrate extraordinary need or large numbers of homeless individuals, as determined by the Secretary.

(e) Allocations to territories

In addition to the other allocations required in this section, the Secretary shall (for amounts appropriated after July 22, 1987) allocate assistance under this part to the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, in accordance with an allocation formula established by the Secretary.

(Pub. L. 100-77, title IV, § 414, formerly § 413, July 22, 1987, 101 Stat. 496; Pub. L. 100-628, title IV, § 421, Nov. 7, 1988, 102 Stat. 3231; Pub. L. 101-625, title VIII, § 832(f)(3)-(5), Nov. 28, 1990, 104 Stat. 4361; Pub. L. 104-330, title V, § 506(a)(3), Oct. 26, 1996, 110 Stat. 4044; renumbered § 414 and amended Pub. L. 111-22, div. B, title II, § 1201(3), (5), May 20, 2009, 123 Stat. 1678, 1679; Pub. L. 114-94, div. G, title LXXIX, § 79002, Dec. 4, 2015, 129 Stat. 1792; Pub. L. 114-201, title IV, § 402, July 29, 2016, 130 Stat. 808.)

Editorial Notes

PRIOR PROVISIONS

A prior section 414 of Pub. L. 100-77 was classified to section 11374 of this title prior to renumbering as section 415 and repeal by Pub. L. 111-22.

AMENDMENTS

2016—Subsec. (c). Pub. L. 114-201, inserted “, public housing agencies, and local redevelopment authorities” after “organizations” in heading and inserted “, to public housing agencies (as defined under section 1437a(b)(6) of this title), or to local redevelopment authorities (as defined under State law)” before period at end of first sentence.

2015—Subsec. (d)(1). Pub. L. 114-94 substituted “once” for “twice”.

2009—Subsec. (b). Pub. L. 111-22, § 1201(5), substituted “amounts appropriated under section 11364 of this title and made available to carry out this part for any” for “amounts appropriated to carry out this part for any”.

1996—Subsec. (a). Pub. L. 104-330, § 506(a)(3)(A), struck out “, and to Indian tribes,” after “in the States)” and “, or for Indian tribes” after “or urban county” in two places.

Subsec. (c). Pub. L. 104-330, § 506(a)(3)(B), struck out “or Indian tribe” after “Any local government”.

Subsec. (d)(3). Pub. L. 104-330, § 506(a)(3)(C)(ii), struck out “, or other Indian tribes,” after “cities and counties”.

Pub. L. 104-330, §506(a)(3)(C)(i), which directed amendment of par. (3) by striking “, or Indian tribe” each place it appeared, was executed by striking “or Indian tribe” after “State” in two places to reflect the probable intent of Congress.

1990—Subsec. (a). Pub. L. 101-625, §832(f)(3), inserted “, and to Indian tribes,” after “States)” and “, or for Indian tribes” after “urban county” in two places.

Subsec. (c). Pub. L. 101-625, §832(f)(4), inserted “or Indian tribe” after “local government”.

Subsec. (d)(3). Pub. L. 101-625, §832(f)(5), inserted “or Indian tribe” after “State” in two places and “, or other Indian tribes, as applicable,” after “counties”.

1988—Subsec. (a). Pub. L. 100-628, §421(a), inserted “and private nonprofit organizations” after “local governments”.

Subsec. (c). Pub. L. 100-628, §421(b), inserted at end “Any State receiving assistance under this part may distribute all or a portion of such assistance to private nonprofit organizations providing assistance to homeless individuals, if the local government for the locality in which the project is located certifies that it approves of the project.”

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 1996 AMENDMENT

Amendment by Pub. L. 104-330 effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as an Effective Date note under section 4101 of Title 25, Indians.

Amendment by Pub. L. 104-330 applicable with respect to amounts made available for assistance under this subchapter for fiscal year 1998 and fiscal years thereafter, see section 506(c) of Pub. L. 104-330, set out as a note under section 11371 of this title.

Executive Documents

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 11374. Eligible activities

(a) In general

Assistance provided under section 11372 of this title may be used for the following activities:

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

(2) The provision of essential services related to emergency shelter or street outreach, including services concerned with employment, health, education, family support services for homeless youth, substance abuse services, victim services, or mental health services, if—

(A) such essential services have not been provided by the local government during any part of the immediately preceding 12-month period or the Secretary determines that the local government is in a severe financial deficit; or

(B) the use of assistance under this part would complement the provision of those essential services.

(3) Maintenance, operation, insurance, provision of utilities, and provision of furnishings related to emergency shelter.

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

(5) Housing relocation or stabilization services for homeless individuals or families or individuals or families at risk of homelessness, including housing search, mediation or outreach to property owners, legal services, credit repair, providing security or utility deposits, utility payments, rental assistance for a final month at a location, assistance with moving costs, or other activities that are effective at—

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

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

(b) Maximum allocation for emergency shelter activities

A grantee of assistance provided under section 11372 of this title for any fiscal year may not use an amount of such assistance for activities described in paragraphs (1) through (3) of subsection (a) that exceeds the greater of—

(1) 60 percent of the aggregate amount of such assistance provided for the grantee for such fiscal year; or

(2) the amount expended by such grantee for such activities during fiscal year¹ most recently completed before the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009.

(Pub. L. 100-77, title IV, §415, as added Pub. L. 111-22, div. B, title II, §1202, May 20, 2009, 123 Stat. 1679.)

Editorial Notes

REFERENCES IN TEXT

The effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, referred to in subsec. (b)(2), is the effective date under section 1503 of div. B of Pub. L. 111-22, set out as an Effective Date of 2009 Amendment note under section 11302 of this title.

PRIOR PROVISIONS

A prior section 11374, Pub. L. 100-77, title IV, §415, formerly §414, July 22, 1987, 101 Stat. 497; Pub. L. 100-628, title IV, §§422, 423(a), Nov. 7, 1988, 102 Stat. 3231; Pub. L. 101-625, title VIII, §832(c), (d), (f)(6), Nov. 28, 1990, 104 Stat. 4360, 4361; Pub. L. 102-550, title XIV, §1402(e), Oct. 28, 1992, 106 Stat. 4013; Pub. L. 104-330, title V, §506(a)(4), Oct. 26, 1996, 110 Stat. 4044; Pub. L. 106-377, §1(a)(1) [title II, §229(b)], Oct. 27, 2000, 114 Stat. 1441, 1441A-31; renumbered §415, Pub. L. 111-22, div. B, title II, §1201(3), May 20, 2009, 123 Stat. 1678, which related to assistance used for activities relating to emergency shelter for homeless individuals, was repealed by Pub. L. 111-22, div. B, title II, §1202, May 20, 2009, 123 Stat. 1679.

Another prior section 415 of Pub. L. 100-77 was renumbered section 416 and is classified to section 11375 of this title.

¹ So in original. Probably should be “the fiscal year”.