

necessary to recover any amount not obligated by the recipient at the end of the second fiscal year, and shall redistribute the amount to another eligible organization.

**(m) Determination of funding source**

For any fiscal year, in addition to funds awarded under part B, funds under this subchapter to be used in a city or county shall only be awarded under either part C or part D.

(Pub. L. 100-77, title IV, § 491, as added Pub. L. 102-550, title XIV, § 1408, Oct. 28, 1992, 106 Stat. 4035; amended Pub. L. 104-330, title V, § 506(a)(10), Oct. 26, 1996, 110 Stat. 4045; Pub. L. 111-22, div. B, title IV, § 1401(2), May 20, 2009, 123 Stat. 1696.)

**Editorial Notes**

REFERENCES IN TEXT

This chapter, referred to in subsec. (c)(2), 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.

Title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, referred to in subsec. (h), is title IV of div. B of Pub. L. 111-22, which amended this section.

AMENDMENTS

2009—Pub. L. 111-22, § 1401(2)(A), substituted "Rural housing stability grant program" for "Rural homelessness grant program" in section catchline.

Subsec. (a). Pub. L. 111-22, § 1401(2)(B)(i), (ii), substituted "rural housing stability grant program" for "rural homelessness grant program" and inserted "in lieu of grants under part C" after "eligible organizations" in introductory provisions.

Subsec. (a)(1) to (3). Pub. L. 111-22, § 1401(2)(B)(iii), added pars. (1) to (3) and struck out former pars. (1) to (3) which read as follows:

"(1) assisting programs providing direct emergency assistance to homeless individuals and families;

"(2) providing homelessness prevention assistance to individuals and families at risk of becoming homeless; and

"(3) assisting individuals and families in obtaining access to permanent housing and supportive services."

Subsec. (b)(1)(D) to (K). Pub. L. 111-22, § 1401(2)(C), added subpars. (D) to (H), redesignated former subpars. (E) to (G) as (I) to (K), respectively, and struck out former subpar. (D) which read as follows: "transitional housing;"

Subsecs. (b)(2), (c)(1)(A), (3). Pub. L. 111-22, § 1401(2)(D), (E), substituted "transferred" for "appropriated".

Subsec. (d)(6). Pub. L. 111-22, § 1401(2)(F)(ii)(I), substituted "a description of how individuals and families who are homeless or who have the lowest incomes in the community will be involved by the organization" for "an agreement by the organization that, to the maximum extent practicable, the organization will involve homeless individuals and families".

Subsec. (d)(7), (8). Pub. L. 111-22, § 1401(2)(F)(i), (ii)(II), (iii), added pars. (7) and (8).

Subsecs. (f), (g). Pub. L. 111-22, § 1401(2)(G), added subsecs. (f) and (g) and struck out former subsecs. (f) and (g) which related to the Federal share of the costs of providing assistance and participation of homeless individuals, respectively.

Subsec. (h)(1). Pub. L. 111-22, § 1401(2)(H)(i)–(iii), substituted "Not later than 18 months after funding is first made available pursuant to the amendments made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the" for "The"

in introductory provisions, "meeting the goals described in subsection (a)" for "providing housing and other assistance to homeless persons" in subpar. (A), and "meet the goals described in subsection (a) in rural areas" for "address homelessness in rural areas" in subpar. (B).

Subsec. (h)(2). Pub. L. 111-22, § 1401(2)(H)(iv), substituted "Not later than 24 months after funding is first made available pursuant to the amendment made by title IV of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the" for "The", struck out " , not later than 18 months after the date on which the Secretary first makes grants under the program," after "Congress", and substituted "meet the goals described in subsection (a)" for "prevent and respond to homelessness".

Subsec. (k)(1). Pub. L. 111-22, § 1401(2)(I)(i), substituted "rural housing stability grant program" for "rural homelessness grant program".

Subsec. (k)(2)(B)(ii). Pub. L. 111-22, § 1401(2)(I)(ii)(II), substituted "county where at least 75 percent of the population is rural; or" for "rural census tract."

Subsec. (k)(2)(C). Pub. L. 111-22, § 1401(2)(I)(ii)(I), (III), added subpar. (C).

Subsec. (j). Pub. L. 111-22, § 1401(2)(J)(i), substituted "Program funding" for "Authorization of appropriations" in heading.

Subsec. (j)(1). Pub. L. 111-22, § 1401(2)(J)(ii), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: "There are authorized to be appropriated to carry out this section \$30,000,000 for fiscal year 1993 and \$31,260,000 for fiscal year 1994."

Subsec. (m). Pub. L. 111-22, § 1401(2)(K), added subsec. (m).

1996—Subsec. (e). Pub. L. 104-330 struck out " , Indian tribes (as such term is defined in section 5302(a) of this title)," after "nonprofit entities".

**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.

DEFINITION

For provisions relating to definition of "local government" as used in this section, see section 100261 of Pub. L. 112-141, set out as a HEARTH Act Technical Corrections note under section 11360 of this title.

**§ 11408a. Use of FMHA inventory for transitional housing for homeless persons and for turnkey housing**

**(a) In general**

The Secretary of Agriculture (in this section referred to as the "Secretary") shall, on a priority basis, lease or sell program and nonprogram inventory properties held by the Secretary under title V of the Housing Act of 1949 [42 U.S.C. 1471 et seq.]—

(1) to provide transitional housing; and

(2) to provide turnkey housing for tenants of such transitional housing and for eligible families.

**(b) Priority**

The priority uses of inventory property under this section shall not have a higher priority than—

- (1) the disposition of such property by sale to eligible families; or
- (2) the disposition of such property by transfer for use as rental housing by eligible families.

**(c) Transitional housing****(1) Leases authorized**

The Secretary shall lease inventory properties to public agencies and nonprofit organizations to provide transitional housing for homeless families and individuals and to provide such agencies the option to provide turnkey housing opportunities for homeless persons and other inadequately housed families.

**(2) Rental to eligible families**

A public agency or nonprofit organization may rent housing leased to it under paragraph (1) to a family for up to 10 years and may, during that period, assist the tenant in obtaining a loan and credit assistance under title V of the Housing Act of 1949 [42 U.S.C. 1471 et seq.] to purchase the housing from the Secretary.

**(d) Lease procedures****(1) Identification of property**

Upon receipt by the Secretary of written notification from a public agency or nonprofit organization that it proposes to lease a property for the purpose of providing transitional housing or for the purpose of providing transitional housing and turnkey housing opportunities, the Secretary shall—

- (A) withdraw the property from the market for not more than 30 days for the purpose of negotiations under subparagraph (B);
- (B) negotiate a lease agreement with the organization or agency; and
- (C) if a lease is agreed to, commence the repairs necessary to make the property meet standards for decent, safe, and sanitary housing.

**(2) Lease terms**

A lease of inventory property under this section shall—

- (A) be for a period of not more than 10 years;
- (B) provide for the payment of \$1 for the 10-year lease; and
- (C) provide the nonprofit organization or public agency—
  - (i) the right to use the property for transitional housing; and
  - (ii) the option to arrange for the sale of the property to an eligible purchaser.

**(e) Purchase procedures****(1) Identification of property**

Upon receipt by the Secretary of written notification from a public agency or nonprofit organization that it proposes to purchase a property for the purpose of providing transitional housing or for the purpose of providing transitional housing and turnkey housing opportunities, the Secretary shall—

- (A) withdraw the property from the market for not more than 30 days for the purpose of negotiations under subparagraph (B);
- (B) negotiate a purchase agreement with the organization or agency; and
- (C) if a purchase agreement is agreed to, commence the repairs necessary to make the property meet standards for decent, safe, and sanitary housing.

**(2) Purchase terms**

A purchase of inventory property under this section shall provide for a purchase price equal to not more than the fair market value of the property minus 10 percent.

**(f) Employment of homeless individuals**

A public agency or nonprofit organization may lease or purchase property under this section only if the agency or organization, to the maximum extent practicable, involves homeless individuals and families, through employment, volunteer services, or otherwise, in maintaining, operating, and renovating any properties leased or acquired under this section and in providing any services for occupants of properties assisted under this section.

**(g) Participation of homeless individuals****(1) In general**

The Secretary shall, by regulation, require each public agency and nonprofit organization leasing or purchasing property under this section to provide for the participation of not less than 1 homeless individual or former homeless individual on the board of directors or other equivalent policy making entity of such agency or organization, to the extent that such organization or applicant considers and makes policies and decisions regarding any property acquired under this section.

**(2) Waiver**

The Secretary may grant a waiver to a public agency or nonprofit organization that is unable to meet the requirement of paragraph (1), if the agency or organization agrees to otherwise consult with homeless or formerly homeless individuals in considering and making such policies and decisions.

**(h) Budget compliance**

The authority provided to the Secretary under this section shall be effective only to the extent approved in advance in appropriations Acts.

(Pub. L. 100-77, title IV, §592[492], as added Pub. L. 102-550, title XIV, §1414, Oct. 28, 1992, 106 Stat. 4041.)

**Editorial Notes**

## REFERENCES IN TEXT

The Housing Act of 1949, referred to in subsecs. (a) and (c)(2), is act July 15, 1949, ch. 338, 63 Stat. 413. Title V of the Act is classified generally to subchapter III (§1471 et seq.) of chapter 8A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of this title and Tables.

SUBCHAPTER V—IDENTIFICATION AND USE  
OF SURPLUS FEDERAL PROPERTY

**§ 11411. Use of unutilized and underutilized public buildings and real property to assist the homeless**

**(a) Identification of suitable property**

The Secretary of Housing and Urban Development shall, on a quarterly basis, request information from each landholding agency regarding Federal public buildings and other Federal real properties (including fixtures) that are excess property or surplus property or that are described as unutilized or underutilized in surveys by the heads of landholding agencies under section 524(a)(2) and (3) of title 40. No later than 25 days after receiving a request from the Secretary, the head of each landholding agency shall transmit such information to the Secretary. No later than 30 days after receiving such information, the Secretary shall identify which of those buildings and other properties are suitable for use to assist the homeless.

**(b) Availability of property**

(1) The Secretary shall promptly notify each Federal agency with respect to any property of that agency that the Secretary has identified under subsection (a). No later than 45 days after receipt of such a notice, the head of the appropriate landholding agency shall transmit to the Secretary the agency's response to property identifications contained in such notification, which shall include—

(A) in the case of unutilized or underutilized property—

- (i) a statement of intention to determine the property excess to the agency's needs;
- (ii) a statement of intention to make the property available for use to assist the homeless; or
- (iii) a statement of the reasons (including a full explanation of the need) the property cannot be determined excess to the agency's needs or made available for use to assist the homeless; and

(B) in the case of excess property—

- (i) a statement that there is no other compelling Federal need for the property and, therefore, the property will be determined surplus; or
- (ii) a statement that there is further and compelling Federal need for the property (including a full explanation of such need) and that, therefore, the property is not presently available for use to assist the homeless.

(2) All properties identified by the Secretary under subsection (a) shall be available for application—

(A) in the case of property other than surplus property, for use to assist the homeless in accordance with the provisions of this section;

(B) in the case of surplus property, for use to assist the homeless either in accordance with this section or as a public health use in accordance with section 550(a)–(d) of title 40; and

(C) in the case of surplus property, the provision of permanent housing with or without supportive services is an eligible use to assist the homeless under this section.

(3) The Secretary shall maintain a written public record of—

(A) the identification of buildings and other properties by the Secretary under this subsection and the reasons for such identifications; and

(B) the responses of landholding agencies to such identifications.

**(c) Publication of properties**

(1)(A) No later than 15 days after the last day of the 45-day period provided for under subsection (b)(1), the Secretary shall publish on the Web site of the Department of Housing and Urban Development or the General Services Administration—

(i) a list of all properties reviewed by the Secretary under subsection (a); and

(ii) a list of all properties that are available under subsection (b)(2) for application for use to assist the homeless.

(B) Each publication of properties shall include a description and the location of each property (including the address and zip code) and the current classification of each property as unutilized, underutilized, excess property, or surplus property.

(C) The Secretary shall make available to the public upon request all information in the possession of the Department of Housing and Urban Development (other than valuation information), regardless of format, about all properties reviewed and not identified as being suitable for use to assist the homeless, including the reasons such properties were not so identified.

(D) The Secretary shall publish separately, on an annual basis, all properties identified as being suitable for use to assist the homeless, but reported to be unavailable, and the reasons such properties were unavailable.

(2)(A) No later than 15 days after the last day of the 45-day period provided for under subsection (b)(1), the Secretary shall transmit a copy of the list of available properties published under paragraph (1)(A)(ii) to the United States Interagency Council on Homelessness. The Council shall immediately distribute to all State and regional homeless coordinators area-relevant portions of the list.

(B) The Secretary, the Administrator, and the Secretary of Health and Human Services shall make such efforts as are necessary to ensure the widest possible dissemination of the information on such list.

(C) The Secretary shall establish a toll-free number to provide the public with specific information about properties on such list.

(3) The Secretary shall make available to the public upon request all information (other than valuation information) regardless of format in the possession of the Department of Housing and Urban Development about the properties published under paragraph (1)(A), including environmental assessment data. The Secretary shall maintain a current list of agency contacts for making referrals of inquiries for information about specific properties.

(4)(A) On December 31 of each year, the head of each landholding agency shall report to the Secretary the current availability status and the current classification of each property controlled by the agency, that—