

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 840
OFFERED BY MS. MOORE OF WISCONSIN AND MS.
WATERS OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Homeless Emergency Assistance and Rapid Transition
4 to Housing Act of 2008”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 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.

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

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

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

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

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

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

8 **SEC. 3. DEFINITION OF HOMELESSNESS.**

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

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

14 (2) by striking subsection (a) and inserting the
15 following:

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

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

21 “(2) an individual or family with a primary
22 nighttime residence that is a public or private place
23 not designed for or ordinarily used as a regular
24 sleeping accommodation for human beings, including

1 a car, park, abandoned building, bus or train sta-
2 tion, airport, or camping ground;

3 “(3) an individual or family living in a super-
4 vised publicly or privately operated shelter des-
5 ignated to provide temporary living arrangements
6 (including hotels and motels paid for by Federal,
7 State, or local government programs for low-income
8 individuals or by charitable organizations, con-
9 gregate shelters, and transitional housing);

10 “(4) an individual who resided in a shelter or
11 place not meant for human habitation and who is
12 exiting an institution where he or she temporarily
13 resided; and

14 “(5) an individual or family who—

15 “(A) will imminently lose their housing, in-
16 cluding housing they own, rent, or live in with-
17 out paying rent, are sharing with others, and
18 rooms in hotels or motels not paid for by Fed-
19 eral, State, or local government programs for
20 low-income individuals or by charitable organi-
21 zations, as evidenced by—

22 “(i) a court order resulting from an
23 eviction action that notifies the individual
24 or family that they must leave within 14
25 days;

1 “(ii) the individual or family having a
2 primary nighttime residence that is a room
3 in a hotel or motel and where they lack the
4 resources necessary to reside there for
5 more than 14 days;

6 “(iii) credible evidence indicating that
7 the owner or renter of the housing will not
8 allow the individual or family to stay for
9 more than 14 days, and any oral statement
10 from an individual or family seeking home-
11 less assistance that is found to be credible
12 shall be considered credible evidence for
13 purposes of this clause; or

14 “(iv) such other factors that the Sec-
15 retary determines will likely result in the
16 individual or family becoming homeless,
17 which may include recent history of home-
18 lessness or residential instability;

19 “(B) has no subsequent residence identi-
20 fied; and

21 “(C) lacks the resources or support net-
22 works needed to obtain other permanent hous-
23 ing.

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, and who have no other residence
7 and lack the resources or support networks to obtain other
8 permanent housing.”.

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

19 **SEC. 4. UNITED STATES INTERAGENCY COUNCIL ON HOME-**
20 **LESSNESS.**

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

24 (1) in section 201 (42 U.S.C. 11311), by insert-
25 ing before the period at the end the following

1 “whose mission shall be to coordinate the Federal
2 response to homelessness and to create a national
3 partnership at every level of government and with
4 the private sector to reduce and end homelessness in
5 the nation while maximizing the effectiveness of the
6 Federal Government in contributing to the end of
7 homelessness”;

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

9 (A) in subsection (a)—

10 (i) by redesignating paragraph (16) as
11 paragraph (22); and

12 (ii) by inserting after paragraph (15)
13 the following:

14 “(16) The Commissioner of Social Security, or
15 the designee of the Commissioner.

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

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

20 “(19) The Director of the Office of Faith-Based
21 and Community Initiatives, or the designee of the
22 Director.

23 “(20) The Director of USA FreedomCorps, or
24 the designee of the Director.

1 “(21) The Commissioner of the Internal Rev-
2 enue Service, or the designee of the Commissioner.”;

3 (B) in subsection (c), by striking “annu-
4 ally” and inserting “four times each year, and
5 the rotation of the positions of Chairperson and
6 Vice Chairperson required under subsection (b)
7 shall occur at the first meeting of each year”;
8 and

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

10 “(e) ADMINISTRATION.—The Executive Director of
11 the Council shall report to the Director of Domestic Policy
12 Council.”;

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

14 (A) by redesignating paragraphs (1), (2),
15 (3), (4), (5), (6), and (7) as paragraphs (2),
16 (3), (4), (5), (11), (12), and (13), respectively;

17 (B) by inserting before paragraph (2), as
18 so redesignated by subparagraph (A), the fol-
19 lowing:

20 “(1) not later than 12 months after the date of
21 the enactment of the Homeless Emergency Assist-
22 ance and Rapid Transition to Housing Act of 2008,
23 develop, make available for public comment, and
24 submit to the President and to Congress a National

1 Strategic Plan to End Homelessness, and shall up-
2 date such plan annually;”;

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

7 (D) by inserting after paragraph (5), as so
8 redesignated by subparagraph (A), the fol-
9 lowing:

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

14 “(7) annually obtain from Federal agencies
15 their identification of consumer-oriented entitlement
16 and other resources for which persons experiencing
17 homelessness may be eligible and the agencies’ iden-
18 tification of improvements to ensure access; develop
19 mechanisms to ensure access by persons experi-
20 encing homelessness to all Federal, State, and local
21 programs for which the persons are eligible, and to
22 verify collaboration among entities within a commu-
23 nity that receive Federal funding under programs
24 targeted for persons experiencing homelessness, and
25 other programs for which persons experiencing

1 homelessness are eligible, including mainstream pro-
2 grams identified by the Government Accountability
3 Office in the reports entitled ‘Homelessness: Coordi-
4 nation and Evaluation of Programs Are Essential’,
5 issued February 26, 1999, and ‘Homelessness: Bar-
6 riers to Using Mainstream Programs’, issued July 6,
7 2000;

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

10 “(9) develop joint federal agency and other ini-
11 tiatives to fulfill the goals of the agency;

12 “(10) participate in Federal agency policy de-
13 velopment, and development, review, evaluation, and
14 timing of all related Federal funding competitions;”;

15 (E) in paragraph (12), as so redesignated
16 by subparagraph (A), by striking “and” at the
17 end;

18 (F) in paragraph (13), as so redesignated
19 by subparagraph (A), by striking the period at
20 the end and inserting “; and”; and

21 (G) by adding at the end the following new
22 paragraph:

23 “(14) develop constructive alternatives to crim-
24 inalizing homelessness and eliminate laws and poli-
25 cies that prohibit sleeping, feeding, sitting, resting,

1 or lying in public spaces when there are no suitable
2 alternatives, result in the destruction of a homeless
3 person's property without due process, or are selec-
4 tively enforced against homeless persons.”.

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

6 (A) in paragraph (1)—

7 (i) by striking “Federal” and insert-
8 ing “national”;

9 (ii) by striking “; and” and inserting
10 “and pay for expenses of attendance at
11 meetings which are concerned with the
12 functions or activities for which the appro-
13 priation is made;”;

14 (B) in paragraph (2), by striking the pe-
15 riod at the end and inserting “; and”; and

16 (C) by inserting after paragraph (2) the
17 following:

18 “(3) establish a National Advisory Panel to ad-
19 vise and assist the Council in achieving its mission
20 by convening a national group of experts in policy
21 and practice from the public and private sector, in-
22 cluding consumers.”;

23 (5) in section 203(c)(1) (42 U.S.C.
24 11313(c)(1))—

1 (A) in subparagraph (B), by striking “;
2 and” and inserting a semicolon;

3 (B) in subparagraph (C), by striking the
4 period at the end and inserting “; and”;

5 (C) by adding at the end the following:

6 “(D) efforts by such agency to prevent
7 homelessness through agency initiatives in tar-
8 geted or mainstream programs.”;

9 (6) in section 204, by striking subsection (a)
10 and inserting the following:

11 “(a) DIRECTOR.—The President shall appoint an Ex-
12 ecutive Director, with the advice and consent of the Sen-
13 ate, who shall serve at the pleasure of the President, and
14 who shall be compensated at a rate not to exceed the max-
15 imum level for the Senior Executive Service.”.

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

21 (8) by striking section 208 (42 U.S.C. 11318)
22 and inserting the following:

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

24 “There are authorized to be appropriated to carry out
25 this title \$3,000,000 for fiscal year 2009 and such sums

1 as may be necessary for fiscal years 2010, 2011, 2012,
2 and 2013. Any amounts appropriated to carry out this
3 title shall remain available until expended.”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 subsection (a) shall take effect on, and shall apply begin-
6 ning on, the date of the enactment of this Act .

7 **TITLE I—HOUSING ASSISTANCE** 8 **GENERAL PROVISIONS**

9 **SEC. 101. DEFINITIONS.**

10 Subtitle A of title IV of the McKinney-Vento Home-
11 less Assistance Act (42 U.S.C. 11361 et seq.) is amend-
12 ed—

13 (1) by striking the subtitle heading and insert-
14 ing the following:

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

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

19 (3) by inserting before section 403 (as so redес-
20 igned by paragraph (2) of this section) the fol-
21 lowing new section:

22 **“SEC. 401. DEFINITIONS.**

23 “For purposes of this title:

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

4 “(A) has income below 30 percent of me-
5 dian income for the geographic area;

6 “(B) has insufficient resources immediately
7 available to attain housing stability; and

8 “(C)(i) has moved frequently because of
9 economic reasons;

10 “(ii) is living in the home of another be-
11 cause of economic hardship;

12 “(iii) has been notified that their right to
13 occupy their current housing or living situation
14 will be terminated;

15 “(iv) lives in a hotel or motel;

16 “(v) lives in severely overcrowded housing;

17 “(vi) is exiting an institution; or

18 “(vii) otherwise lives in housing that has
19 characteristics associated with instability and
20 an increased risk of homelessness.

21 Such term includes all families with children
22 and youth defined as homeless under other
23 Federal statutes.

24 “(2) CHRONICALLY HOMELESS.—

1 “(A) IN GENERAL.—The term ‘chronically
2 homeless’ means, with respect to an individual
3 or family, that the individual or family—

4 “(i) is homeless and lives or resides in
5 a place not meant for human habitation, a
6 safe haven, or in an emergency shelter;

7 “(ii) has been homeless and living or
8 residing in a place not meant for human
9 habitation, a safe haven, or in an emer-
10 gency shelter continuously for at least 1
11 year or on at least 4 separate occasions in
12 the last 3 years; and

13 “(iii) has an adult head of household
14 (or a minor head of household if no adult
15 is present in the household) with a
16 diagnosable substance use disorder, serious
17 mental illness, developmental disability (as
18 defined in section 102 of the Develop-
19 mental Disabilities Assistance and Bill of
20 Rights Act of 2000 (42 U.S.C. 15002)),
21 post traumatic stress disorder, cognitive
22 impairments resulting from a brain injury,
23 or chronic physical illness or disability, in-
24 cluding the co-occurrence of 2 or more of
25 those conditions.

1 “(B) RULE OF CONSTRUCTION.—A person
2 who currently lives or resides in an institutional
3 care facility, including a jail, substance abuse or
4 mental health treatment facility, hospital or
5 other similar facility, and has resided there for
6 fewer than 90 days shall be considered chron-
7 ically homeless if such person met all of the re-
8 quirements described in subparagraph (A) prior
9 to entering that facility.

10 “(3) COLLABORATIVE APPLICANT.—The term
11 ‘collaborative applicant’ means an entity that—

12 “(A) carries out the duties specified in sec-
13 tion 402;

14 “(B) serves as the applicant for project
15 sponsors who jointly submit a single application
16 for a grant under subtitle C in accordance with
17 a collaborative process; and

18 “(C) if the entity is a legal entity and is
19 awarded such grant, receives such grant di-
20 rectly from the Secretary.

21 “(4) COLLABORATIVE APPLICATION.—The term
22 ‘collaborative application’ means an application for a
23 grant under subtitle C that—

24 “(A) satisfies section 422; and

1 “(B) is submitted to the Secretary by a
2 collaborative applicant.

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

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

13 “(7) FAMILIES WITH CHILDREN AND YOUTH
14 DEFINED AS HOMELESS UNDER OTHER FEDERAL
15 STATUTES.—The term ‘families with children and
16 youth defined as homeless under other Federal stat-
17 utes’ means any children or youth that are defined
18 as ‘homeless’ under any Federal statute other this
19 subtitle, but are not defined as homeless under sec-
20 tion 103, and shall also include the parent, parents,
21 or guardian of such children or youth under subtitle
22 B of title VII this Act (42 U.S.C. 11431 et seq.).

23 “(8) GEOGRAPHIC AREA.—The term ‘geo-
24 graphic area’ means a State, metropolitan city,
25 urban county, town, village, or other nonentitlement

1 area, or a combination or consortia of such, in the
2 United States, as described in section 106 of the
3 Housing and Community Development Act of 1974
4 (42 U.S.C. 5306).

5 “(9) HOMELESS INDIVIDUAL WITH A DIS-
6 ABILITY.—

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

11 “(i)(I) is expected to be long-con-
12 tinuing or of indefinite duration;

13 “(II) substantially impedes the indi-
14 vidual’s ability to live independently;

15 “(III) could be improved by the provi-
16 sion of more suitable housing conditions;
17 and

18 “(IV) is a physical, mental, or emo-
19 tional impairment, including an impair-
20 ment caused by alcohol or drug abuse, post
21 traumatic stress disorder, or brain injury;

22 “(ii) is a developmental disability, as
23 defined in section 102 of the Develop-
24 mental Disabilities Assistance and Bill of
25 Rights Act of 2000 (42 U.S.C. 15002); or

1 “(iii) is the disease of acquired im-
2 munodeficiency syndrome or any condition
3 arising from the etiologic agency for ac-
4 quired immunodeficiency syndrome.

5 “(B) RULE.—Nothing in clause (iii) of
6 subparagraph (A) shall be construed to limit
7 eligibility under clause (i) or (ii) of subpara-
8 graph (A).

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

11 “(A) an entity described in section
12 501(c)(3) of the Internal Revenue Code of 1986
13 (26 U.S.C. 501(c)(3)) and exempt from tax
14 under section 501(a) of such Code;

15 “(B) an instrumentality of State or local
16 government; or

17 “(C) a consortium of instrumentalities of
18 State or local governments that has constituted
19 itself as an entity.

20 “(11) METROPOLITAN CITY; URBAN COUNTY;
21 NONENTITLEMENT AREA.—The terms ‘metropolitan
22 city’, ‘urban county’, and ‘nonentitlement area’ have
23 the meanings given such terms in section 102(a) of
24 the Housing and Community Development Act of
25 1974 (42 U.S.C. 5302(a)).

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

4 “(13) OPERATING COSTS.—The term ‘operating
5 costs’ means expenses incurred by a project sponsor
6 operating transitional housing or permanent housing
7 under this title with respect to—

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

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

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

14 “(14) OUTPATIENT HEALTH SERVICES.—The
15 term ‘outpatient health services’ means outpatient
16 health care services, mental health services, and out-
17 patient substance abuse services.

18 “(15) PERMANENT HOUSING.—The term ‘per-
19 manent housing’ means community-based housing
20 without a designated length of stay, and includes
21 both permanent supportive housing and permanent
22 housing without supportive services.

23 “(16) PERSONALLY IDENTIFYING INFORMA-
24 TION.—The term ‘personally identifying information’
25 means individually identifying information for or

1 about an individual, including information likely to
2 disclose the location of a victim of domestic violence,
3 dating violence, sexual assault, or stalking, includ-
4 ing—

5 “(A) a first and last name;

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

7 “(C) contact information (including a post-
8 al, e-mail or Internet protocol address, or tele-
9 phone or facsimile number);

10 “(D) a social security number; and

11 “(E) any other information, including date
12 of birth, racial or ethnic background, or reli-
13 gious affiliation, that, in combination with any
14 other non-personally identifying information,
15 would serve to identify any individual.

16 “(17) PRIVATE NONPROFIT ORGANIZATION.—

17 The term ‘private nonprofit organization’ means an
18 organization—

19 “(A) no part of the net earnings of which
20 inures to the benefit of any member, founder,
21 contributor, or individual;

22 “(B) that has a voluntary board;

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

1 “(D) that practices nondiscrimination in
2 the provision of assistance.

3 “(18) PROJECT.—The term ‘project’ means,
4 with respect to activities carried out under subtitle
5 C, eligible activities described in section 423(a), un-
6 dertaken pursuant to a specific endeavor, such as
7 serving a particular population or providing a par-
8 ticular resource.

9 “(19) PROJECT-BASED.—The term ‘project-
10 based’ means, with respect to rental assistance, that
11 the assistance is provided pursuant to a contract
12 that—

13 “(A) is between—

14 “(i) the recipient or a project sponsor;
15 and

16 “(ii) an owner of a structure that ex-
17 ists as of the date the contract is entered
18 into; and

19 “(B) provides that rental assistance pay-
20 ments shall be made to the owner and that the
21 units in the structure shall be occupied by eligi-
22 ble persons for not less than the term of the
23 contract.

24 “(20) PROJECT SPONSOR.—The term ‘project
25 sponsor’ means, with respect to proposed eligible ac-

1 activities, the organization directly responsible for car-
2 rying out the proposed eligible activities.

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

6 “(A) submits an application for a grant
7 under section 422 that is approved by the Sec-
8 retary;

9 “(B) receives the grant directly from the
10 Secretary to support approved projects de-
11 scribed in the application; and

12 “(C)(i) serves as a project sponsor for the
13 projects; or

14 “(ii) awards the funds to project sponsors
15 to carry out the projects.

16 “(22) SECRETARY.—The term ‘Secretary’
17 means the Secretary of Housing and Urban Develop-
18 ment.

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

24 “(24) SOLO APPLICANT.—The term ‘solo appli-
25 cant’ means an entity that is an eligible entity, di-

1 rectly submits an application for a grant under sub-
2 title C to the Secretary, and, if awarded such grant,
3 receives such grant directly from the Secretary.

4 “(25) SPONSOR-BASED.—The term ‘sponsor-
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 independent entity that—

12 “(I) is a private organization;

13 and

14 “(II) owns or leases dwelling

15 units; and

16 “(B) provides that rental assistance pay-

17 ments shall be made to the independent entity

18 and that eligible persons shall occupy such as-

19 sisted units.

20 “(26) STATE.—Except as used in subtitle B,

21 the term ‘State’ means each of the several States,

22 the District of Columbia, the Commonwealth of

23 Puerto Rico, the United States Virgin Islands,

24 Guam, American Samoa, the Commonwealth of the

25 Northern Mariana Islands, the Trust Territory of

1 the Pacific Islands, and any other territory or pos-
2 session of the United States.

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

6 “(A) the establishment and operation of a
7 child care services program for families experi-
8 encing homelessness;

9 “(B) the establishment and operation of an
10 employment assistance program, including pro-
11 viding job training;

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

14 “(D) the provision of assistance in obtain-
15 ing permanent housing, employment counseling,
16 and nutritional counseling;

17 “(E) the provision of outreach services, ad-
18 vocacy, life skills training, and housing search
19 and counseling services;

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

22 “(G) the provision of assistance in obtain-
23 ing other Federal, State, and local assistance
24 available for residents of supportive housing
25 (including mental health benefits, employment

1 counseling, and medical assistance, but not in-
2 cluding major medical equipment);

3 “(H) the provision of legal services for
4 purposes including requesting reconsiderations
5 and appeals of veterans and public benefit claim
6 denials and resolving outstanding warrants that
7 interfere with an individual’s ability to obtain
8 and retain housing;

9 “(I) the provision of—

10 “(i) transportation services that facili-
11 tate an individual’s ability to obtain and
12 maintain employment; and

13 “(ii) health care; and

14 “(J) other supportive services necessary to
15 obtain and maintain housing.

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

19 “(A) allows an eligible person to select a
20 housing unit in which such person will live
21 using rental assistance provided under subtitle
22 C, except that if necessary to assure that the
23 provision of supportive services to a person par-
24 ticipating in a program is feasible, a recipient

1 or project sponsor may require that the person
2 live—

3 “(i) in a particular structure or unit
4 for not more than the first year of the par-
5 ticipation;

6 “(ii) within a particular geographic
7 area for the full period of the participation,
8 or the period remaining after the period
9 referred to in subparagraph (A); and

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

22 “(29) TRANSITIONAL HOUSING.—The term
23 ‘transitional housing’ means housing the purpose of
24 which is to facilitate the movement of individuals
25 and families experiencing homelessness to permanent

1 housing within 24 months or such longer period as
2 the Secretary determines necessary.

3 “(30) UNIFIED FUNDING AGENCY.—The term
4 ‘unified funding agency’ means a collaborative appli-
5 cant that performs the duties described in section
6 402(g).

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

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

23 “(33) VICTIM SERVICES.—The term ‘victim
24 services’ means services that assist domestic vio-
25 lence, dating violence, sexual assault, or stalking vic-

1 tims, including services offered by rape crisis centers
2 and domestic violence shelters, and other organiza-
3 tions, with a documented history of effective work
4 concerning domestic violence, dating violence, sexual
5 assault, or stalking.”.

6 **SEC. 102. COMMUNITY HOMELESS ASSISTANCE PLANNING**
7 **BOARDS.**

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

12 **“SEC. 402. COLLABORATIVE APPLICANTS.**

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

16 “(1) submit an application for amounts under
17 this subtitle; and

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

20 **“(b) NO REQUIREMENT TO BE A LEGAL ENTITY.—**

21 An entity may be established to serve as a collaborative
22 applicant under this section without being a legal entity.

23 **“(c) REMEDIAL ACTION.—**If the Secretary finds that
24 a collaborative applicant for a geographic area does not
25 meet the requirements of this section, or if there is no

1 collaborative applicant for a geographic area, the Sec-
2 retary may take remedial action to ensure fair distribution
3 of grant amounts under subtitle C to eligible entities with-
4 in that area. Such measures may include designating an-
5 other body as a collaborative applicant, or permitting
6 other eligible entities to apply directly for grants.

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

11 “(e) APPOINTMENT OF AGENT.—

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

14 “(A) apply for a grant under section
15 422(c);

16 “(B) receive and distribute grant funds
17 awarded under subtitle C; and

18 “(C) perform other administrative duties.

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

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

1 “(1) design a collaborative process for the de-
2 velopment of an application under subtitle C, and
3 for evaluating the outcomes of projects for which
4 funds are awarded under subtitle B, in such a man-
5 ner as to provide information necessary for the Sec-
6 retary—

7 “(A) to determine compliance with—

8 “(i) the program requirements under
9 section 425; and

10 “(ii) the selection criteria described
11 under section 427; and

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

14 “(2) participate in the Consolidated Plan for
15 the geographic area served by the collaborative ap-
16 plicant;

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

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

23 “(B) analyzes patterns of use of assistance
24 provided under subtitles B and C for the geo-
25 graphic area involved;

1 “(C) provides information to project spon-
2 sors and applicants for needs analyses and
3 funding priorities; and

4 “(D) is developed in accordance with
5 standards established by the Secretary, includ-
6 ing standards that provide for—

7 “(i) encryption of data collected for
8 purposes of HMIS;

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

12 “(iii) access to HMIS data by staff,
13 contractors, law enforcement, and aca-
14 demic researchers;

15 “(iv) rights of persons receiving serv-
16 ices under this title;

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

19 “(vi) such other standards as may be
20 determined necessary by the Secretary;
21 and

22 “(4) certify as to whether or not the applicable
23 States and units of general local government are
24 criminalizing homelessness through the enforcement
25 of any laws or policies that prohibit sleeping, feed-

1 ing, sitting, resting, or lying in public spaces when
2 there are no suitable alternatives, or that result in
3 the destruction of a homeless person's property with-
4 out due process, or through the selective enforce-
5 ment of laws or policies against homeless persons.

6 “(g) UNIFIED FUNDING.—

7 “(1) IN GENERAL.—In addition to the duties
8 described in subsection (f), a collaborative applicant
9 shall receive from the Secretary and distribute to
10 other project sponsors in the applicable geographic
11 area funds for projects to be carried out by such
12 other project sponsors, if—

13 “(A) the collaborative applicant—

14 “(i) applies to undertake such collec-
15 tion and distribution responsibilities in an
16 application submitted under this subtitle;
17 and

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

20 “(B) the Secretary designates the collabo-
21 rative applicant as the unified funding agency
22 in the geographic area, after—

23 “(i) a finding by the Secretary that
24 the applicant—

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

3 “(II) would serve the purposes of
4 this Act as they apply to the geo-
5 graphic area; and

6 “(ii) the Secretary provides the col-
7 laborative applicant with the technical as-
8 sistance necessary to perform such respon-
9 sibilities as such assistance is agreed to by
10 the collaborative applicant.

11 “(2) REQUIRED ACTIONS BY A UNIFIED FUND-
12 ING AGENCY.—A collaborative applicant that is ei-
13 ther selected or designated as a unified funding
14 agency for a geographic area under paragraph (1)
15 shall—

16 “(A) require each project sponsor who is
17 funded by a grant received under subtitle C to
18 establish such fiscal control and fund account-
19 ing procedures as may be necessary to assure
20 the proper disbursement of, and accounting for,
21 Federal funds awarded to the project sponsor
22 under subtitle C in order to ensure that all fi-
23 nancial transactions carried out under subtitle
24 C are conducted, and records maintained, in ac-

1 cordance with generally accepted accounting
2 principles; and

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

7 “(h) CONFLICT OF INTEREST.—No board member of
8 a collaborative applicant may participate in decisions of
9 the collaborative applicant concerning the award of a
10 grant, or provision of other financial benefits, to such
11 member or the organization that such member rep-
12 resents.”.

13 **SEC. 103. GENERAL PROVISIONS.**

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

18 **“SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARA-**
19 **TION.**

20 “(a) IN GENERAL.—After the expiration of the 2-
21 year period that begins upon the date of the enactment
22 of the Homeless Emergency Assistance and Rapid Transi-
23 tion to Housing Act of 2008, and except as provided in
24 subsection (b), any project sponsor receiving funds under
25 this title to provide emergency shelter, transitional hous-

1 ing, or permanent housing to families with children under
2 age 18 shall not deny admission to any family based on
3 the age of any child under age 18.

4 “(b) EXCEPTION.—Notwithstanding the requirement
5 under subsection (a), project sponsors of transitional
6 housing receiving funds under this title may target transi-
7 tional housing resources to families with children of a spe-
8 cific age only if the project sponsor—

9 “(1) operates a transitional housing program
10 that has a primary purpose of implementing an evi-
11 dence-based practice that requires that housing units
12 be targeted to families with children in a specific age
13 group; and

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

18 **“SEC. 405. TECHNICAL ASSISTANCE.**

19 “(a) IN GENERAL.—The Secretary shall make avail-
20 able technical assistance to private nonprofit organizations
21 and other nongovernmental entities, States, metropolitan
22 cities, urban counties, and counties that are not urban
23 counties, to implement effective planning processes for
24 preventing and ending homelessness, to improve their ca-
25 pacity to prepare collaborative applications, to prevent the

1 separation of families in emergency shelter or other hous-
2 ing programs, and to adopt and provide best practices in
3 housing and services for persons experiencing homeless.

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

8 **SEC. 104. PROTECTION OF PERSONALLY IDENTIFYING IN-**
9 **FORMATION BY VICTIM SERVICE PROVIDERS.**

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

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

16 “In the course of awarding grants or implementing
17 programs under this title, the Secretary shall instruct any
18 victim service provider that is a recipient or subgrantee
19 not to disclose for purposes of the Homeless Management
20 Information System any personally identifying informa-
21 tion about any client. The Secretary may, after public no-
22 tice and comment, require or ask such recipients and sub-
23 grantees to disclose for purposes of the Homeless Manage-
24 ment Information System non-personally identifying infor-
25 mation that has been de-identified, encrypted, or otherwise

1 encoded. Nothing in this section shall be construed to su-
2 percede any provision of any Federal, State, or local law
3 that provides greater protection than this subsection for
4 victims of domestic violence, dating violence, sexual as-
5 sault, or stalking.”.

6 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

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

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

12 “(a) IN GENERAL.—There are authorized to be ap-
13 propriated to carry out this title \$2,200,000,000 for fiscal
14 year 2010 and such sums as may be necessary for each
15 of fiscal years 2011, 2012, and 2013.

16 “(b) PERMANENT HOUSING RENEWALS.—Of the
17 amounts made available pursuant to subsection (a),
18 \$595,000,000 for fiscal year 2010, \$670,000,000 for fis-
19 cal year 2011, \$745,000,000 for fiscal year 2012, and
20 \$825,000,000 for fiscal year 2013, shall be for renewal
21 for one year of expiring contracts for leasing, rental assist-
22 ance, and operating costs for permanent housing.”.

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, in
21 the case of grants made with reallocated amounts) for the
22 purpose of carrying out activities described in section 415.

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

24 “(a) IN GENERAL.—Of the amount made available
25 to carry out this title for a fiscal year, not including the

1 amounts made available under section 408(b), the Sec-
2 retary shall allocate nationally 20 percent of such amount
3 for activities described in section 415. The Secretary shall
4 be required to certify that such allocation will not ad-
5 versely affect the renewal of existing projects under this
6 subtitle and subtitle C for those individuals or families
7 who are homeless.

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

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

21 (6) in section 414, as so redesignated by para-
22 graph (3) of this section, by adding at the end the
23 following new subsection:

24 “(f) REDUCTION OF FUNDS FOR CRIMINALIZING
25 HOMELESSNESS.—Of the amount made available to carry

1 out this title for a fiscal year, the Secretary shall reduce
2 the amount of administrative funds available by half to
3 any jurisdiction for which a collaborative applicant has
4 submitted a certification under section 402(f)(4) that the
5 unit of local government has criminalized homelessness.
6 The funds shall instead be made available to the collabo-
7 rative applicant for the jurisdiction. If no collaborative ap-
8 plicant exists for such jurisdiction, the funds shall be made
9 available to the State to carry out this title.”.

10 **SEC. 202. ELIGIBLE ACTIVITIES.**

11 The McKinney-Vento Homeless Assistance Act is
12 amended by striking section 415 (42 U.S.C. 11374), as
13 so redesignated by section 201(3) of this Act, and insert-
14 ing the following new section:

15 **“SEC. 415. ELIGIBLE ACTIVITIES.**

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

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

21 “(2) The provision of essential services related
22 to emergency shelter or street outreach, including
23 services concerned with employment, health, edu-
24 cation, family support services for homeless youth,

1 substance abuse services, victim services, or mental
2 health services, if—

3 “(A) such essential services have not been
4 provided by the local government during any
5 part of the immediately preceding 12-month pe-
6 riod or the Secretary determines that the local
7 government is in a severe financial deficit; or

8 “(B) the use of assistance under this sub-
9 title would complement the provision of those
10 essential services.

11 “(3) Maintenance, operation, insurance, provi-
12 sion of utilities, and provision of furnishings related
13 to emergency shelter.

14 “(4) Provision of rental assistance to provide
15 short-term or medium-term housing to homeless in-
16 dividuals or families or individuals or families at risk
17 of homelessness. Such rental assistance may include
18 tenant-based or project-based rental assistance.

19 “(5) Housing relocation or stabilization services
20 for homeless individuals or families or individuals or
21 families at risk of homelessness, including housing
22 search, mediation or outreach to property owners,
23 legal services, credit repair, providing security or
24 utility deposits, utility payments, rental assistance

1 for a final month at a location, assistance with mov-
2 ing costs, or other activities that are effective at—

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

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

7 “(b) MAXIMUM ALLOCATION FOR EMERGENCY
8 SHELTER ACTIVITIES.—A grantee of assistance provided
9 under section 412 for any fiscal year may not use an
10 amount of such assistance for activities described in para-
11 graphs (1) through (3) of subsection (a) that exceeds the
12 greater of—

13 “(1) 50 percent of the aggregate amount of
14 such assistance provided for the grantee for such fis-
15 cal year; or

16 “(2) the amount expended by such grantee for
17 such activities during fiscal year most recently com-
18 pleted before the effective date under section 503 of
19 the Homeless Emergency Assistance and Rapid
20 Transition to Housing Act of 2008.”.

21 **SEC. 203. PARTICIPATION IN HOMELESS MANAGEMENT IN-**
22 **FORMATION SYSTEM.**

23 Section 415 of the McKinney-Vento Homeless Assist-
24 ance Act (42 U.S.C. 11375) is amended by adding at the
25 end the following new subsection:

1 “(f) PARTICIPATION IN HMIS.—The Secretary shall
2 ensure that recipients of funds under this subtitle ensure
3 the consistent participation by emergency shelters and
4 homelessness prevention and rehousing programs in any
5 applicable community-wide homeless management infor-
6 mation system.”.

7 **SEC. 204. ADMINISTRATIVE PROVISION.**

8 Section 418 of the McKinney-Vento Homeless Assist-
9 ance Act (42 U.S.C. 11378) is amended by striking “5”
10 percent and inserting “10 percent”.

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

13 **SEC. 301. CONTINUUM OF CARE.**

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

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

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

21 (2) by striking sections 421 and 422 (42 U.S.C.
22 11381 and 11382) and inserting the following new
23 sections:

24 **“SEC. 421. PURPOSES.**

25 “The purposes of this subtitle are—

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

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

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

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

15 **“SEC. 422. CONTINUUM OF CARE APPLICATIONS AND**
16 **GRANTS.**

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

24 “(b) NOTIFICATION OF FUNDING AVAILABILITY.—
25 The Secretary shall release a notification of funding avail-

1 ability for grants awarded under this subtitle for a fiscal
2 year not later than 3 months after the date of the enact-
3 ment of the appropriate Act making appropriations for the
4 Department of Housing and Urban Development for such
5 fiscal year.

6 “(c) APPLICATIONS.—

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

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

17 “(B) to establish priorities for funding
18 projects in the geographic area.

19 “(2) ANNOUNCEMENT OF AWARDS.—

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

1 tionally awarded under subsection (a) for that
2 fiscal year.

3 “(B) TRANSITION.—For a period of up to
4 2 years beginning after the effective date under
5 section 503 of the Homeless Emergency Assist-
6 ance and Rapid Transition to Housing Act of
7 2008, the Secretary shall announce, within 6
8 months after the last date for the submission of
9 applications described in this subsection for a
10 fiscal year, the grants conditionally awarded
11 under subsection (a) for that fiscal year.

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

14 “(1) REQUIREMENTS FOR OBLIGATION.—

15 “(A) IN GENERAL.—Not later than 9
16 months after the announcement referred to in
17 subsection (c)(2), each recipient or project
18 sponsor shall meet all requirements for the obli-
19 gation of those funds, including site control,
20 matching funds, and environmental review re-
21 quirements, except as provided in subpara-
22 graphs (B) and (C).

23 “(B) ACQUISITION, REHABILITATION, OR
24 CONSTRUCTION.—Not later than 24 months
25 after the announcement referred to in sub-

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

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

24 “(2) OBLIGATION.—Not later than 45 days
25 after a recipient or project sponsor meets the re-

1 requirements described in paragraph (1), the Sec-
2 retary shall obligate the funds for the grant involved.

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

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

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

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

1 sible and appropriate, in the same geographic area
2 as the area served through the original grant.

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

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

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

24 “(h) COORDINATION WITH LOW INCOME HOUSING
25 CREDIT.—Assistance under this subtitle is intended to fa-

1 cilitate the utilization of Low Income Housing Credits
2 under section 42 of the Internal Revenue Code of 1986.

3 “(i) APPEALS.—

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

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

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

1 “(k) FLEXIBILITY TO SERVE PERSONS DEFINED AS
2 HOMELESS UNDER OTHER FEDERAL LAWS.—

3 “(1) IN GENERAL.—A collaborative applicant
4 may use up to 10 percent of funds awarded under
5 title III (continuum of care funding) to serve fami-
6 lies with children and unaccompanied youth who
7 qualify as homeless under any Federal statute other
8 than title I of this Act, provided that the applicant
9 demonstrates that the use of such funds is of an
10 equal or greater priority or is equally or more cost
11 effective in meeting the overall goals and objectives
12 of the plan submitted under section 427(b)(1)(B),
13 especially with respect to children and unaccom-
14 panied youth.

15 “(2) LIMITATIONS.—The 10 percent limitation
16 under paragraph (1) shall not apply to collaborative
17 applicants in which the rate of homelessness, as cal-
18 culated under section 427(b)(3), is less than one-
19 tenth of 1 percent of total population.

20 “(3) CLARIFICATION REGARDING ADVERSE IM-
21 PACT ON HOMELESS FAMILIES OR YOUTH.—In eval-
22 uating the impact of the election of a collaborative
23 applicant to serve persons defined as homeless under
24 other Federal laws, the Secretary shall examine the
25 full range of resources targeted to homeless families

1 and youth as set forth in the plan submitted under
2 section 427(b)(1)(B) and shall not make a finding of
3 adverse impact under this subsection based solely
4 upon a reduction of resources provided to homeless
5 families or youth under this title.”.

6 **SEC. 302. ELIGIBLE ACTIVITIES.**

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

10 **“SEC. 423. ELIGIBLE ACTIVITIES.**

11 “(a) IN GENERAL.—Grants awarded under section
12 422 to qualified applicants shall be used to carry out
13 projects that serve homeless individuals or families that
14 consist of one or more of the following eligible activities:

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

17 “(2) Acquisition or rehabilitation of a structure
18 to provide transitional or permanent housing, other
19 than emergency shelter, or to provide supportive
20 services.

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

1 “(4) Provision of rental assistance to provide
2 transitional or permanent housing to eligible per-
3 sons. The rental assistance may include tenant-
4 based, project-based, or sponsor-based rental assist-
5 ance. Project-based rental assistance, sponsor-based
6 rental assistance, and operating cost assistance con-
7 tracts carried out by project sponsors receiving
8 grants under this section may, at the discretion of
9 the applicant and the project sponsor, have an initial
10 term of 15 years, with assistance for the first 5
11 years paid with funds authorized for appropriation
12 under this Act, and assistance for the remainder of
13 the term treated as a renewal of an expiring con-
14 tract as provided in section 408(b). Project-based
15 rental assistance may include rental assistance to
16 preserve existing permanent supportive housing for
17 homeless individuals and families.

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

23 “(6) Supportive services for individuals and
24 families who are currently homeless, who have been
25 homeless in the prior six months but are currently

1 residing in permanent housing, or who were pre-
2 viously homeless and are currently residing in per-
3 manent supportive housing.

4 “(7) Provision of rehousing services, including
5 housing search, mediation or outreach to property
6 owners, credit repair, providing security or utility
7 deposits, rental assistance for a final month at a lo-
8 cation, assistance with moving costs, or other activi-
9 ties that—

10 “(A) are effective at moving homeless indi-
11 viduals and families immediately into housing;
12 or

13 “(B) may benefit individuals and families
14 who in the prior 6 months have been homeless,
15 but are currently residing in permanent hous-
16 ing.

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

20 “(9) Operation of, participation in, and ensur-
21 ing consistent participation by project sponsors in, a
22 community-wide homeless management information
23 system.

24 “(10) In the case of a collaborative applicant
25 that is a legal entity, payment of administrative

1 costs related to meeting the requirements described
2 in paragraphs (1) and (2) of section 402(f), for
3 which the collaborative applicant may use not more
4 than 3 percent of the total funds made available in
5 the geographic area under this subtitle for such
6 costs.

7 “(11) In the case of a collaborative applicant
8 that is a unified funding agency under section
9 402(g), payment of administrative costs related to
10 meeting the requirements of that section, for which
11 the unified funding agency may use not more than
12 3 percent of the total funds made available in the
13 geographic area under this subtitle for such costs, in
14 addition to funds used under paragraph (10).

15 “(12) Payment of administrative costs to
16 project sponsors, for which each project sponsor may
17 use not more than 10 percent of the total funds
18 made available to that project sponsor through this
19 subtitle for such costs.

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

23 “(c) USE RESTRICTIONS.—

24 “(1) ACQUISITION, REHABILITATION, AND NEW
25 CONSTRUCTION.—A project that consists of activities

1 described in paragraph (1) or (2) of subsection (a)
2 shall be operated for the purpose specified in the ap-
3 plication submitted for the project under section 422
4 for not less than 20 years.

5 “(2) OTHER ACTIVITIES.—A project that con-
6 sists of activities described in any of paragraphs (3)
7 through (12) of subsection (a) shall be operated for
8 the purpose specified in the application submitted
9 for the project under section 422 for the duration of
10 the grant period involved.

11 “(3) CONVERSION.—If the recipient or project
12 sponsor carrying out a project that provides transi-
13 tional or permanent housing submits a request to
14 the Secretary to carry out instead a project for the
15 direct benefit of low-income persons, and the Sec-
16 retary determines that the initial project is no longer
17 needed to provide transitional or permanent housing,
18 the Secretary may approve the project described in
19 the request and authorize the recipient or project
20 sponsor to carry out that project.

21 “(d) REPAYMENT OF ASSISTANCE AND PREVENTION
22 OF UNDUE BENEFITS.—

23 “(1) REPAYMENT.—If a recipient or project
24 sponsor receives assistance under section 422 to
25 carry out a project that consists of activities de-

1 scribed in paragraph (1) or (2) of subsection (a) and
2 the project ceases to provide transitional or perma-
3 nent housing—

4 “(A) earlier than 10 years after operation
5 of the project begins, the Secretary shall re-
6 quire the recipient or project sponsor to repay
7 100 percent of the assistance; or

8 “(B) not earlier than 10 years, but earlier
9 than 20 years, after operation of the project be-
10 gins, the Secretary shall require the recipient or
11 project sponsor to repay 10 percent of the as-
12 sistance for each of the years in the 20-year pe-
13 riod for which the project fails to provide that
14 housing.

15 “(2) PREVENTION OF UNDUE BENEFITS.—Ex-
16 cept as provided in paragraph (3), if any property
17 is used for a project that receives assistance under
18 subsection (a) and consists of activities described in
19 paragraph (1) or (2) of subsection (a), and the sale
20 or other disposition of the property occurs before the
21 expiration of the 20-year period beginning on the
22 date that operation of the project begins, the recipi-
23 ent or project sponsor who received the assistance
24 shall comply with such terms and conditions as the
25 Secretary may prescribe to prevent the recipient or

1 project sponsor from unduly benefitting from such
2 sale or disposition.

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

7 “(A) the sale or disposition of the property
8 used for the project results in the use of the
9 property for the direct benefit of very low-in-
10 come persons;

11 “(B) all of the proceeds of the sale or dis-
12 position are used to provide transitional or per-
13 manent housing meeting the requirements of
14 this subtitle;

15 “(C) project-based rental assistance or op-
16 erating cost assistance from any Federal pro-
17 gram or an equivalent State or local program is
18 no longer made available and the project is
19 meeting applicable performance standards, pro-
20 vided that the portion of the project that had
21 benefitted from such assistance continues to
22 meet the tenant income and rent restrictions for
23 low-income units under section 42(g) of the In-
24 ternal Revenue Code of 1986; or

1 “(D) there are no individuals and families
2 in the geographic area who are homeless, in
3 which case the project may serve individuals
4 and families at risk of homelessness.

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

8 “(f) ELIGIBILITY FOR PERMANENT HOUSING.—Any
9 project that receives assistance under subsection (a) and
10 that provides project-based or sponsor-based permanent
11 housing for homeless individuals or families with a dis-
12 ability, including projects that meet the requirements of
13 subsection (a) and subsection (d)(2)(A) of section 428
14 may also serve individuals who had previously met the re-
15 quirements for such project prior to moving into a dif-
16 ferent permanent housing project.

17 “(g) ADMINISTRATION OF RENTAL ASSISTANCE.—
18 Provision of permanent housing rental assistance shall be
19 administered by a State, unit of general local government,
20 or public housing agency.”.

21 **SEC. 303. HIGH PERFORMING COMMUNITIES.**

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

1 **“SEC. 424. INCENTIVES FOR HIGH-PERFORMING COMMU-**
2 **NITIES.**

3 “(a) DESIGNATION AS A HIGH-PERFORMING COMMU-
4 NITY.—

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

8 “(2) CONSIDERATION.—In determining whether
9 to designate a collaborative applicant as a high-per-
10 forming community under paragraph (1), the Sec-
11 retary shall establish criteria to ensure that the re-
12 quirements described under paragraphs (1)(B) and
13 (2)(B) of subsection (d) are measured by comparing
14 homeless individuals and families under similar cir-
15 cumstances, in order to encourage projects in the ge-
16 ographic area to serve homeless individuals and fam-
17 ilies with more severe barriers to housing stability.

18 “(3) 2-YEAR PHASE IN.—In each of the first 2
19 years after the effective date under section 503 of
20 the Homeless Emergency Assistance and Rapid
21 Transition to Housing Act of 2008, the Secretary
22 shall designate not more than 10 collaborative appli-
23 cants as high-performing communities.

24 “(4) EXCESS OF QUALIFIED APPLICANTS.—If,
25 during the 2-year period described under paragraph
26 (2), more than 10 collaborative applicants could

1 qualify to be designated as high-performing commu-
2 nities, the Secretary shall designate the 10 that
3 have, in the discretion of the Secretary, the best per-
4 formance based on the criteria described under sub-
5 section (d).

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

12 “(b) APPLICATION.—

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

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

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

1 “(B) information that such applicant can
2 meet the requirements described under sub-
3 section (d).

4 “(3) PUBLICATION OF APPLICATION.—The Sec-
5 retary shall—

6 “(A) publish any report or information
7 submitted in an application under this section
8 in the geographic area represented by the col-
9 laborative applicant; and

10 “(B) seek comments from the public as to
11 whether the collaborative applicant seeking des-
12 ignation as a high-performing community meets
13 the requirements described under subsection
14 (d).

15 “(c) USE OF FUNDS.—Funds awarded under section
16 422(a) to a project sponsor who is located in a high-per-
17 forming community may be used—

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

20 “(2) for any of the eligible activities described
21 in paragraphs (4) and (5) of section 414(a).

22 “(d) DEFINITION OF HIGH-PERFORMING COMMU-
23 NITY.—For purposes of this section, the term ‘high-per-
24 forming community’ means a geographic area that dem-

1 onstrates through reliable data that all five of the fol-
2 lowing requirements are met for that geographic area:

3 “(1) TERM OF HOMELESSNESS.—The mean
4 length of episodes of homelessness for that geo-
5 graphic area—

6 “(A) is less than 20 days; or

7 “(B) for individuals and families in similar
8 circumstances in the preceding year was at
9 least 10 percent less than in the year before.

10 “(2) FAMILIES LEAVING HOMELESSNESS.—Of
11 individuals and families—

12 “(A) who leave homelessness, fewer than 5
13 percent of such individuals and families become
14 homeless again at any time within the next 2
15 years; or

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

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

23 “(A) actively encouraged homeless individ-
24 uals and families to participate in homeless as-

1 sistance services available in that geographic
2 area; and

3 “(B) included each homeless individual or
4 family who sought homeless assistance services
5 in the data system used by that community for
6 determining compliance with this subsection.

7 “(4) EFFECTIVENESS OF PREVIOUS ACTIVI-
8 TIES.—If recipients in the geographic area have
9 used funding awarded under section 422(a) for eligi-
10 ble activities described under section 414(a) in pre-
11 vious years based on the authority granted under
12 subsection (c), that such activities were effective at
13 reducing the number of individuals and families who
14 became homeless in that community.

15 “(5) FLEXIBILITY TO SERVE PERSONS DEFINED
16 AS HOMELESS UNDER OTHER FEDERAL LAWS.—
17 With respect to collaborative applicants exercising
18 the authority under section 422(k) to serve homeless
19 families with children and youth defined as homeless
20 under other Federal statutes, effectiveness in achiev-
21 ing the outcomes identified in subsection
22 427(b)(1)(F) according to such standards as the
23 Secretary shall promulgate.

24 “(e) COOPERATION AMONG ENTITIES.—A collabo-
25 rative applicant designated as a high-performing commu-

1 nity under this section shall cooperate with the Secretary
2 in distributing information about successful efforts within
3 the geographic area represented by the collaborative appli-
4 cant to reduce homelessness.”.

5 **SEC. 304. PROGRAM REQUIREMENTS.**

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

8 (1) by striking subsections (a), (b), and (c) and
9 inserting the following:

10 “(a) **SITE CONTROL.**—The Secretary shall require
11 that each application include reasonable assurances that
12 the applicant will own or have control of a site for the
13 proposed project not later than the expiration of the 12-
14 month period beginning upon notification of an award for
15 grant assistance, unless the application proposes providing
16 supportive housing assistance under section 423(a)(3) or
17 housing that will eventually be owned or controlled by the
18 families and individuals served. An applicant may obtain
19 ownership or control of a suitable site different from the
20 site specified in the application. If any recipient or project
21 sponsor fails to obtain ownership or control of the site
22 within 12 months after notification of an award for grant
23 assistance, the grant shall be recaptured and reallocated
24 under this subtitle.

1 “(b) REQUIRED AGREEMENTS.—The Secretary may
2 not provide assistance for a proposed project under this
3 subtitle unless the collaborative applicant involved
4 agrees—

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

7 “(2) to monitor and report to the Secretary the
8 progress of the project;

9 “(3) to ensure, to the maximum extent prac-
10 ticable, that individuals and families experiencing
11 homelessness are involved, through employment, pro-
12 vision of volunteer services, or otherwise, in con-
13 structing, rehabilitating, maintaining, and operating
14 facilities for the project and in providing supportive
15 services for the project;

16 “(4) to require certification from all project
17 sponsors that—

18 “(A) they will maintain the confidentiality
19 of records pertaining to any individual or family
20 provided family violence prevention or treat-
21 ment services through the project;

22 “(B) that the address or location of any
23 family violence shelter project assisted under
24 this subtitle will not be made public, except

1 with written authorization of the person respon-
2 sible for the operation of such project;

3 “(C) they will establish policies and prac-
4 tices that are consistent with, and do not re-
5 strict the exercise of rights provided by, subtitle
6 B of title VII, and other laws relating to the
7 provision of educational and related services to
8 individuals and families experiencing homeless-
9 ness;

10 “(D) in the case of programs that provide
11 housing or services to families, they will des-
12 ignate a staff person to be responsible for en-
13 suring that children being served in the pro-
14 gram are enrolled in school and connected to
15 appropriate services in the community, includ-
16 ing early childhood programs such as Head
17 Start, part C of the Individuals with Disabil-
18 ities Education Act, and programs authorized
19 under subtitle B of title VII of this Act(42
20 U.S.C. 11431 et seq.); and

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

23 “(5) if a collaborative applicant is a unified
24 funding agency under section 402(g) and receives
25 funds under subtitle C to carry out the payment of

1 administrative costs described in section 423(a)(7),
2 to establish such fiscal control and fund accounting
3 procedures as may be necessary to assure the proper
4 disbursement of, and accounting for, such funds in order
5 to ensure that all financial transactions carried out
6 with such funds are conducted, and records main-
7 tained, in accordance with generally accepted ac-
8 counting principles;

9 “(6) to monitor and report to the Secretary the
10 provision of matching funds as required by section
11 430;

12 “(7) to take the educational needs of children
13 into account when families are placed in emergency
14 or transitional shelter and will, to the maximum ex-
15 tent practicable, place families with children as close
16 to possible to their school of origin so as not to dis-
17 rupt such children’s education; and

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

21 (2) by redesignating subsection (d) as sub-
22 section (c);

23 (3) in the first sentence of subsection (c) (as so
24 redesignated by paragraph (2) of this subsection), by

1 striking “recipient” and inserting “recipient or
2 project sponsor”;

3 (4) by striking subsection (e);

4 (5) by redesignating subsections (f), (g), and
5 (h), as subsections (d), (e), and (f), respectively;

6 (6) in the first sentence of subsection (e) (as so
7 redesignated by paragraph (5) of this section), by
8 striking “recipient” each place it appears and insert-
9 ing “recipient or project sponsor”;

10 (7) by striking subsection (i); and

11 (8) by redesignating subsection (j) as sub-
12 section (g).

13 **SEC. 305. SELECTION CRITERIA, ALLOCATION AMOUNTS,**
14 **AND FUNDING.**

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

17 (1) by repealing section 429 (42 U.S.C. 11389);

18 and

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

22 (3) by inserting after section 426 the following
23 new sections:

1 **“SEC. 427. SELECTION CRITERIA.**

2 “(a) IN GENERAL.—The Secretary shall award funds
3 to recipients through a national competition between geo-
4 graphic areas based on criteria established by the Sec-
5 retary.

6 “(b) REQUIRED CRITERIA.—

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

9 “(A) the previous performance of the re-
10 cipient regarding homelessness, including per-
11 formance related to funds provided under sec-
12 tion 412 (except that recipients applying from
13 geographic areas where no funds have been
14 awarded under this subtitle, or under subtitles
15 C, D, E, or F of title IV of this Act, as in effect
16 prior to the date of the enactment of the Home-
17 less Emergency Assistance and Rapid Transi-
18 tion to Housing Act of 2008, shall receive full
19 credit for performance under this subpara-
20 graph), measured by criteria that shall be an-
21 nounced by the Secretary, that shall take into
22 account barriers faced by individual homeless
23 people, and that shall include—

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

1 “(ii) the extent to which individuals
2 and families who leave homelessness expe-
3 rience additional spells of homelessness;

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

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

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

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

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

16 “(B) the plan of the recipient, which shall
17 describe—

18 “(i) how the number of individuals
19 and families who become homeless will be
20 reduced in the community;

21 “(ii) how the length of time that indi-
22 viduals and families remain homeless will
23 be reduced;

24 “(iii) how the recipient will collaborate
25 with local education authorities to assist in

1 the identification of individuals and fami-
2 lies who become or remain homeless and
3 are informed of their eligibility for services
4 under subtitle B of title VII of this Act
5 (42 U.S.C. 11431 et seq.). and

6 “(iv) the extent to which the recipient
7 will—

8 “(I) address the needs of all rel-
9 evant subpopulations;

10 “(II) incorporate comprehensive
11 strategies for reducing homelessness,
12 including the interventions referred to
13 in section 428(d);

14 “(III) set quantifiable perform-
15 ance measures;

16 “(IV) set timelines for completion
17 of specific tasks;

18 “(V) identify specific funding
19 sources for planned activities; and

20 “(VI) identify an individual or
21 body responsible for overseeing imple-
22 mentation of specific strategies;

23 “(C) the methodology of the recipient used
24 to determine the priority for funding local

1 projects under section 422(c)(1), including the
2 extent to which the priority-setting process—

3 “(i) uses periodically collected infor-
4 mation and analysis to determine the ex-
5 tent to which each project has resulted in
6 rapid return to permanent housing for
7 those served by the project, taking into ac-
8 count the severity of barriers faced by the
9 people the project serves;

10 “(ii) considers the full range of opin-
11 ions from individuals or entities with
12 knowledge of homelessness in the geo-
13 graphic area or an interest in preventing
14 or ending homelessness in the geographic
15 area;

16 “(iii) is based on objective criteria
17 that have been publicly announced by the
18 recipient; and

19 “(iv) is open to proposals from enti-
20 ties that have not previously received funds
21 under this subtitle;

22 “(D) the extent to which the amount of as-
23 sistance to be provided under this subtitle to
24 the recipient will be supplemented with re-
25 sources from other public and private sources,

1 including mainstream programs identified by
2 the Government Accountability Office in the
3 two reports described in section 203(a)(7);

4 “(E) demonstrated coordination by the re-
5 cipient with the other Federal, State, local, pri-
6 vate, and other entities serving individuals and
7 families experiencing homelessness and at risk
8 of homelessness in the planning and operation
9 of projects, to the extent practicable;

10 “(F) for collaborative applicants exercising
11 the authority under section 422(k) to serve
12 homeless families with children and youth de-
13 fined as homeless under other Federal statutes,
14 program goals and outcomes, which shall in-
15 clude—

16 “(i) preventing homelessness among
17 the subset of such families with children
18 and youth who are at highest risk of be-
19 coming homeless, as such term is defined
20 for purposes of this title; or

21 “(ii) achieving independent living in
22 permanent housing among such families
23 with children and youth, especially those
24 who have a history of doubled-up and other
25 temporary housing situations or are living

1 in a temporary housing situation due to
2 lack of available and appropriate emer-
3 gency shelter, through the provision of eli-
4 gible assistance that directly contributes to
5 achieving such results including assistance
6 to address chronic disabilities, chronic
7 physical health or mental health condi-
8 tions, substance addiction, histories of do-
9 mestic violence or childhood abuse, or mul-
10 tiple barriers to employment; and

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

14 “(2) ADDITIONAL CRITERIA.—In addition to
15 the criteria required under paragraph (1), the cri-
16 teria established under paragraph (1) shall also in-
17 clude the need within the geographic area for home-
18 less services, determined as follows and under the
19 following conditions:

20 “(A) NOTICE.—The Secretary shall inform
21 each collaborative applicant, at a time concu-
22 rent with the release of the notice of funding
23 availability for the grants, of the pro rata esti-
24 mated grant amount under this subtitle for the

1 geographic area represented by the collaborative
2 applicant.

3 “(B) AMOUNT.—

4 “(i) BASIS.—Such estimated grant
5 amount shall be based on a percentage of
6 the total funds available, or estimated to
7 be available, to carry out this subtitle for
8 any fiscal year that is equal to the percent-
9 age of the total amount available for sec-
10 tion 106 of the Housing and Community
11 Development Act of 1974 (42 U.S.C.
12 5306) for the prior fiscal year that

13 “(I) was allocated to all metro-
14 politan cities and urban counties with-
15 in the geographic area represented by
16 the collaborative applicant; or

17 “(II) would have been distributed
18 to all counties within such geographic
19 area that are not urban counties, if
20 the 30 percent portion of the alloca-
21 tion to the State involved (as de-
22 scribed in subsection (d)(1) of that
23 section 106) for that year had been
24 distributed among the counties that
25 are not urban counties in the State in

1 accordance with the formula specified
2 in that subsection (with references in
3 that subsection to nonentitlement
4 areas considered to be references to
5 those counties).

6 “(ii) ADJUSTMENT.—In computing
7 the estimated grant amount, the Secretary
8 shall adjust the estimated grant amount
9 determined pursuant to clause (i) to ensure
10 that—

11 “(I) 75 percent of the total funds
12 available, or estimated to be available,
13 to carry out this subtitle for any fiscal
14 year are allocated to the metropolitan
15 cities and urban counties that received
16 a direct allocation of funds under sec-
17 tion 413 for the prior fiscal year; and

18 “(II) 25 percent of the total
19 funds available, or estimated to be
20 available, to carry out this subtitle for
21 any fiscal year are allocated—

22 “(aa) to the metropolitan
23 cities and urban counties that did
24 not receive a direct allocation of

1 funds under section 413 for the
2 prior fiscal year; and

3 “(bb) to counties that are
4 not urban counties.

5 “(iii) COMBINATIONS OR CON-
6 SORTIA.—For any collaborative applicant
7 that represents a combination or consor-
8 tium of cities or counties, the estimated
9 grant amount shall be the sum of the esti-
10 mated grant amounts for the cities or
11 counties represented by the collaborative
12 applicant.

13 “(3) HOMELESSNESS COUNTS.—The Secretary
14 shall not require that communities conduct an actual
15 count of homeless people other than those described
16 in paragraphs (1) through (4) of section 103 of this
17 Act (42 U.S.C. 11302).

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

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

23 “(2) to ensure that collaborative applicants are
24 not discouraged from replacing renewal projects with
25 new projects that the collaborative applicant deter-

1 mines will better be able to meet the purposes of this
2 Act.

3 **“SEC. 428. ALLOCATION OF AMOUNTS AND INCENTIVES**
4 **FOR SPECIFIC ELIGIBLE ACTIVITIES.**

5 “(a) MINIMUM ALLOCATION FOR PERMANENT HOUS-
6 ING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH
7 DISABILITIES.—

8 “(1) IN GENERAL.—From the amounts made
9 available to carry out this subtitle for a fiscal year,
10 a portion equal to not less than 30 percent of the
11 sums made available under section 408, not includ-
12 ing amounts described in section 408(b), shall be
13 used for new permanent housing for homeless indi-
14 viduals with disabilities and homeless families that
15 include such an individual who is an adult or a
16 minor head of household if no adult is present in the
17 household.

18 “(2) CALCULATION.—In calculating the portion
19 of the amount described in paragraph (1) that is
20 used for activities that are described in paragraph
21 (1), the Secretary shall not count funds made avail-
22 able to renew contracts for existing projects under
23 section 408(b).

24 “(3) ADJUSTMENTS.—The 30 percent figure in
25 paragraph (1) shall be reduced as follows:

1 “(A) Proportionately based on need under
2 section 427(b)(2) in geographic areas for which
3 subsection (e) applies in regard to subsection
4 (d)(2)(A); and

5 “(B) by two percentage points for every
6 three percentage points above 35 percent of the
7 amount of funding provided under subtitle B
8 and this subtitle that is needed to renew exist-
9 ing grants for one year, other than those pro-
10 vided for under section 429.

11 “(4) TERMINATION.—The requirement estab-
12 lished in paragraph (1) shall terminate upon a find-
13 ing by the Secretary that since the beginning of
14 2001 at least 150,000 new units of permanent hous-
15 ing for homeless individuals and families with dis-
16 abilities have been funded under this subtitle.

17 “(b) SET-ASIDE FOR PERMANENT HOUSING FOR
18 HOMELESS FAMILIES WITH CHILDREN.—From the
19 amounts made available to carry out this subtitle for a
20 fiscal year, a portion equal to not less than 10 percent
21 of the sums made available to carry out subtitle B and
22 this subtitle for that fiscal year shall be used to provide
23 or secure permanent housing for homeless families with
24 children.

1 “(c) TREATMENT OF AMOUNTS FOR PERMANENT OR
2 TRANSITIONAL HOUSING.—Nothing in this Act may be
3 construed to establish a limit on the amount of funding
4 that an applicant may request under this subtitle for ac-
5 quisition, construction, or rehabilitation activities for the
6 development of permanent housing or transitional hous-
7 ing.

8 “(d) INCENTIVES FOR PROVEN STRATEGIES.—

9 “(1) IN GENERAL.—The Secretary shall provide
10 bonuses or other incentives to geographic areas for
11 using funding under this subtitle for activities that
12 have been proven to be effective at reducing home-
13 lessness generally, reducing homelessness for a spe-
14 cific subpopulation, or achieving homeless prevention
15 and independent living goals as set forth in section
16 427(b)(1)(F).

17 “(2) RULE OF CONSTRUCTION.—For purposes
18 of this subsection, activities that have been proven to
19 be effective at reducing homelessness generally or re-
20 ducing homelessness for a specific subpopulation in-
21 cludes—

22 “(A) permanent supportive housing for
23 chronically homeless individuals and families;

24 “(B) for homeless families, rapid rehousing
25 services, short-term flexible subsidies to over-

1 come barriers to rehousing, support services
2 concentrating on improving incomes to pay
3 rent, coupled with performance measures em-
4 phasizing rapid and permanent rehousing and
5 with leveraging funding from mainstream fam-
6 ily service systems such as Temporary Assist-
7 ance for Needy Families and Child Welfare
8 services; and

9 “(C) any other activity determined by the
10 Secretary, based on research and after notice
11 and comment to the public, to have been proven
12 effective at reducing homelessness generally, re-
13 ducing homelessness for a specific subpopula-
14 tion, or achieving homeless prevention and inde-
15 pendent living goals as set forth in section
16 427(b)(1)(F).

17 “(3) BALANCE OF INCENTIVES FOR PROVEN
18 STRATEGIES.—To the extent practicable, in pro-
19 viding bonuses or incentives for proven strategies,
20 the Secretary shall seek to maintain a balance
21 among strategies targeting homeless individuals,
22 families, and other subpopulations. The Secretary
23 shall not implement bonuses or incentives that spe-
24 cifically discourage collaborative applicants from ex-
25 ercising their flexibility to serve families with chil-

1 dren and youth defined as homeless under other
2 Federal statutes.

3 “(e) INCENTIVES FOR SUCCESSFUL IMPLEMENTA-
4 TION OF PROVEN STRATEGIES.—If any geographic area
5 demonstrates that it has fully implemented any of the ac-
6 tivities described in subsection (d) for all homeless individ-
7 uals and families or for all members of subpopulations for
8 whom such activities are targeted, that geographic area
9 shall receive the bonus or incentive provided under sub-
10 section (d), but may use such bonus or incentive for any
11 eligible activity under either section 423 or paragraphs (4)
12 and (5) of section 414(a) for homeless people generally
13 or for the relevant subpopulation.

14 **“SEC. 429. RENEWAL FUNDING AND TERMS OF ASSISTANCE**
15 **FOR PERMANENT HOUSING.**

16 “(a) IN GENERAL.—Renewal of permanent housing
17 contracts, as provided under section 408(b), may be fund-
18 ed either under the appropriations account for this title
19 or may be funded under the section 8 project-based rental
20 assistance account, except that renewal under the project-
21 based rental assistance account shall be contingent on suf-
22 ficient funding in such account for the full year renewal
23 of all project-based contracts expiring in such year.

24 “(b) RENEWALS.—The sums made available under
25 section 408(b) shall be available for the renewal of con-

1 tracts in the case of tenant-based assistance, successive
2 one-year terms, and in the case of project-based assist-
3 ance, successive terms of up to 15 years at the discretion
4 of the applicant or project sponsor and subject to the
5 availability of annual appropriations, for rental assistance
6 and housing operation costs associated with permanent
7 housing projects funded under this subtitle, or under sub-
8 title C or F (as in effect on the day before the effective
9 date under section 503 of the Homeless Emergency As-
10 sistance and Rapid Transition to Housing Act of 2008).
11 The Secretary shall determine whether to renew a contract
12 for such a permanent housing project on the basis of cer-
13 tification by the collaborative applicant for the geographic
14 area that—

15 “(1) there is a demonstrated need for the
16 project; and

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

20 “(c) CONSTRUCTION.—Nothing in this section shall
21 be construed as prohibiting the Secretary from renewing
22 contracts under this subtitle in accordance with criteria
23 set forth in a provision of this subtitle other than this sec-
24 tion.

1 **“SEC. 430. MATCHING FUNDING.**

2 “(a) IN GENERAL.—A collaborative applicant in a ge-
3 ographic area in which funds are awarded under this sub-
4 title shall specify contributions from any source other than
5 a grant awarded under this subtitle, “including renewal
6 funding of projects assisted under subtitles C, D, and F
7 of this title as in effect before the effective date under
8 section 503 of the Homeless Emergency Assistance and
9 Rapid Transition to Housing Act of 2008, that shall be
10 made available in the geographic area in an amount equal
11 to not less than 25 percent of the funds provided to recipi-
12 ents in the geographic area, except that grants for leasing
13 shall not be subject to any match requirement.

14 “(b) LIMITATIONS ON IN-KIND MATCH.—The cash
15 value of services provided to the residents or clients of a
16 project sponsor by an entity other than the project sponsor
17 may count toward the contributions in subsection (a) only
18 when documented by a memorandum of understanding be-
19 tween the project sponsor and the other entity that such
20 services will be provided.

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

23 “(1) funding for any eligible activity described
24 under section 423; and

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

4 **“SEC. 431. APPEAL PROCEDURE.**

5 “(a) IN GENERAL.—With respect to funding under
6 this subtitle, if certification of consistency with the consoli-
7 dated plan pursuant to section 403 is withheld from an
8 applicant who has submitted an application for that cer-
9 tification, such applicant may appeal such decision to the
10 Secretary.

11 “(b) PROCEDURE.—The Secretary shall establish a
12 procedure to process the appeals described in subsection
13 (a).

14 “(c) DETERMINATION.—Not later than 45 days after
15 the date of receipt of an appeal described in subsection
16 (a), the Secretary shall determine if certification was un-
17 reasonably withheld. If such certification was unreason-
18 ably withheld, the Secretary shall review such application
19 and determine if such applicant shall receive funding
20 under this subtitle.”.

21 **SEC. 306. RESEARCH.**

22 There is authorized to be appropriated \$8,000,000,
23 for each of fiscal years 2010, 2011, 2012, and 2013, for
24 research into the efficacy of interventions for homeless
25 families, to be expended by the Secretary of Housing and

1 Urban Development over the 3 years at 3 different sites
2 to provide services for homeless families and evaluate the
3 effectiveness of such services.

4 **TITLE IV—RURAL HOUSING STA-**
5 **BILITY ASSISTANCE PRO-**
6 **GRAM**

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

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

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

13 **“Subtitle G—Rural Housing**
14 **Stability Assistance Program”;** and

15 (2) in section 491—

16 (A) by striking the section heading and in-
17 serting **“RURAL HOUSING STABILITY**
18 **GRANT PROGRAM.”;**

19 (B) in subsection (a)—

20 (i) by striking “rural homelessness
21 grant program” and inserting “rural hous-
22 ing stability grant program”;

23 (ii) by inserting “in lieu of grants
24 under subtitle C” after “eligible organiza-
25 tions”; and

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

3 “(1) rehousing or improving the housing situa-
4 tions of individuals and families who are homeless or
5 at risk of homelessness in the geographic area;

6 “(2) stabilizing the housing of individuals and
7 families who are in imminent danger of losing hous-
8 ing; and

9 “(3) improving the ability of the lowest-income
10 residents of the community to afford stable hous-
11 ing.”;

12 (C) in subsection (b)(1)—

13 (i) by redesignating subparagraphs
14 (E), (F), and (G) as subparagraphs (I),
15 (J), and (K), respectively; and

16 (ii) by striking subparagraph (D) and
17 inserting the following:

18 “(D) construction of new housing units to
19 provide transitional or permanent housing to
20 homeless individuals and families;

21 “(E) acquisition or rehabilitation of a
22 structure to provide supportive services or to
23 provide transitional or permanent housing,
24 other than emergency shelter, to homeless indi-
25 viduals and families;

1 “(F) leasing of property, or portions of
2 property, not owned by the recipient or project
3 sponsor involved, for use in providing transi-
4 tional or permanent housing to homeless indi-
5 viduals and families, or providing supportive
6 services to homeless individuals and families;

7 “(G) provision of rental assistance to pro-
8 vide transitional or permanent housing to home-
9 less individuals and families, such rental assist-
10 ance may include tenant-based or project-based
11 rental assistance;

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

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

16 (E) in subsection (c)—

17 (i) in paragraph (1)(A), by striking
18 “appropriated” and inserting “trans-
19 ferred”; and

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

22 (F) in subsection (d)—

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

25 (ii) in paragraph (6)—

1 (I) by striking “an agreement”
2 and all that follows through “fami-
3 lies” and inserting the following: “a
4 description of how individuals and
5 families who are homeless or who have
6 the lowest incomes in the community
7 will be involved by the organization”;
8 and

9 (II) by striking the period at the
10 end, and inserting a semicolon; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(7) a description of consultations that took
14 place within the community to ascertain the most
15 important uses for funding under this section, in-
16 cluding the involvement of potential beneficiaries of
17 the project; and

18 “(8) a description of the extent and nature of
19 homelessness and of the worst housing situations in
20 the community.”;

21 (G) by striking subsections (f) and (g) and
22 inserting the following:

23 “(f) MATCHING FUNDING.—

24 “(1) IN GENERAL.—An organization eligible to
25 receive a grant under subsection (a) shall specify

1 matching contributions from any source other than
2 a grant awarded under this subtitle, that shall be
3 made available in the geographic area in an amount
4 equal to not less than 25 percent of the funds pro-
5 vided to recipients in the geographic area, except
6 that grants for leasing shall not be subject to any
7 match requirement.

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

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

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

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

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

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

4 “(2) the degree to which the project addresses
5 the most harmful housing situations present in the
6 community;

7 “(3) the degree of collaboration with others in
8 the community to meet the goals described in sub-
9 section (a);

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

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

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

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

23 (H) in subsection (h)—

24 (i) in paragraph (1)(A), by striking

25 “providing housing and other assistance to

1 homeless persons” and inserting “meeting
2 the goals described in subsection (a)”;

3 (ii) in paragraph (1)(B), by striking
4 “address homelessness in rural areas” and
5 inserting “meet the goals described in sub-
6 section (a) in rural areas”; and

7 (iii) in paragraph (2), by striking
8 “prevent and respond to homelessness”
9 and inserting “meet the goals described in
10 subsection (a)”;

11 (I) in subsection (k)—

12 (i) in paragraph (1), by striking
13 “rural homelessness grant program” and
14 inserting “rural housing stability grant
15 program”; and

16 (ii) in paragraph (2)(B)(ii), by strik-
17 ing “rural census tract” and inserting
18 “census tract where at least 75 percent of
19 the population is rural”;

20 (J) in subsection (l)—

21 (i) by striking the subsection heading
22 and inserting “PROGRAM FUNDING.—”;
23 and

24 (ii) by striking paragraph (1) and in-
25 serting the following:

1 “(1) IN GENERAL.—The Secretary shall deter-
2 mine the total amount of funding attributable under
3 section 427(b)(2) to meet the needs of any geo-
4 graphic area in the Nation that applies for funding
5 under this section. The Secretary shall transfer any
6 amounts determined under this subsection from the
7 Community Homeless Assistance Program and con-
8 solidate such transferred amounts for grants under
9 this section, except that the Secretary shall transfer
10 an amount not less than 5 percent of the amount
11 available under this subtitle for grants under this
12 section.”; and

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

14 “(m) DIVISION OF FUNDS.—

15 “(1) AGREEMENT AMONG GEOGRAPHIC
16 AREAS.—If the Secretary receives an application or
17 applications to provide services in a geographic area
18 under this subtitle, and also under subtitle C, the
19 Secretary shall consult with all applicants from the
20 geographic area to determine whether all agree to
21 proceed under either this subtitle or under subtitle
22 C.

23 “(2) DEFAULT IF NO AGREEMENT.—If no
24 agreement is reached under paragraph (1), the Sec-
25 retary shall proceed under this subtitle or under sub-

1 title C, depending on which results in the largest
2 total grant funding to the geographic area.”.

3 **SEC. 402. GAO STUDY OF HOMELESSNESS AND HOMELESS**
4 **ASSISTANCE IN RURAL AREAS.**

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

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

18 (2) An estimate of the incidence and prevalence
19 of homelessness among individuals and families in
20 rural areas and rural communities of the United
21 States.

22 (3) An estimate of the number of individuals
23 and families from rural areas and rural communities
24 who migrate annually to non-rural areas and non-
25 rural communities for homeless assistance.

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

6 (5) A comparison of the rate of homelessness
7 among individuals and families in and from rural
8 areas and rural communities compared to the rate of
9 homelessness among individuals and families in and
10 from non-rural areas and non-rural communities.

11 (6) A general description of homeless assistance
12 for individuals and families in rural areas and rural
13 communities of the United States.

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

19 (8) An assessment of the type and amount of
20 Federal homeless assistance funds awarded to orga-
21 nizations serving rural areas and rural communities
22 and a determination as to whether such amount is
23 proportional to the distribution of homeless individ-
24 uals and families in and from rural areas and rural
25 communities compared to homeless individuals and

1 families in non-rural areas and non-rural commu-
2 nities.

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

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

18 (1) The Secretary of Agriculture.

19 (2) The Secretary of Housing and Urban Devel-
20 opment.

21 (3) The Secretary of Health and Human Serv-
22 ices.

23 (4) The Secretary of Education.

24 (5) The Secretary of Labor.

25 (6) The Secretary of Veterans Affairs.

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

3 (8) Project sponsors and recipients of homeless
4 assistance grants serving rural areas and rural com-
5 munities.

6 (9) Individuals and families in or from rural
7 areas and rural communities who have sought or are
8 seeking Federal homeless assistance services.

9 (10) National advocacy organizations concerned
10 with homelessness, rural housing, and rural commu-
11 nity development.

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

14 **TITLE V—REPEALS AND** 15 **CONFORMING AMENDMENTS**

16 **SEC. 501. REPEALS.**

17 Subtitles D, E, and F of title IV of the McKinney-
18 Vento Homeless Assistance Act (42 U.S.C. 11391 et seq.,
19 11401 et seq., and 11403 et seq.) are hereby repealed.

20 **SEC. 502. CONFORMING AMENDMENTS.**

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

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

1 (2) by inserting before the comma the following:

2 “(referred to in such section as a ‘comprehensive
3 housing affordability strategy’)”.

4 (b) PERSONS EXPERIENCING HOMELESSNESS.—Sec-
5 tion 103 of the McKinney-Vento Homeless Assistance Act
6 (42 U.S.C. 11302), as amended by the preceding provi-
7 sions of this Act, is further amended by adding at the end
8 the following new subsection:

9 “(e) PERSONS EXPERIENCING HOMELESSNESS.—
10 Any references in this Act to homeless individuals (includ-
11 ing homeless persons) or homeless groups (including
12 homeless persons) shall be considered to include, and to
13 refer to, individuals experiencing homelessness or groups
14 experiencing homelessness, respectively.”.

15 (c) RURAL HOUSING STABILITY ASSISTANCE.—Title
16 IV of the McKinney-Vento Homeless Assistance Act is
17 amended by redesignating subtitle G (42 U.S.C. 11408
18 et seq.), as amended by the preceding provisions of this
19 Act, as subtitle D.

20 **SEC. 503. EFFECTIVE DATE.**

21 Except as specifically provided otherwise in this Act,
22 this Act and the amendments made by this Act shall take
23 effect on, and shall apply beginning on—

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

1 (2) the expiration of the 3-month period begin-
2 ning upon publication by the Secretary of Housing
3 and Urban Development of final regulations pursu-
4 ant to section 504,
5 whichecker occurs first.

6 **SEC. 504. REGULATIONS.**

7 (a) IN GENERAL.—Not later than 12 months after
8 the date of the enactment of this Act, the Secretary of
9 Housing and Urban Development shall promulgate regula-
10 tions governing the operation of the programs that are
11 created or modified by this Act.

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

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

15 The table of contents in section 101(b) of the McKin-
16 ney-Vento Homeless Assistance Act (42 U.S.C. 11301
17 note) is amended by striking the item relating to the head-
18 ing for title IV and all that follows through the item relat-
19 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.”.

