

Union Calendar No. 233

105TH CONGRESS
1ST Session

H. R. 217

[Report No. 105-407]

A BILL

To amend title IV of the Stewart B. McKinney Homeless Assistance Act to consolidate the Federal programs for housing assistance for the homeless into a block grant program that ensures that States and communities are provided sufficient flexibility to use assistance amounts effectively.

DECEMBER 19, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. LAZIO of New York introduced the following bill; which was referred to the Committee on Banking and Financial Services

DECEMBER 19, 1997

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on January 7, 1997]

A BILL

To amend title IV of the Stewart B. McKinney Homeless Assistance Act to consolidate the Federal programs for housing assistance for the homeless into a block grant program that ensures that States and communities are provided sufficient flexibility to use assistance amounts effectively.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Homeless Housing Pro-*
5 *grams Consolidation and Flexibility Act”.*

6 **SEC. 2. FINDINGS; PURPOSE.**

7 *(a) FINDINGS.—The Congress finds that—*

8 *(1) the United States faces a crisis of individuals*
9 *and families who lack basic affordable housing and*
10 *appropriate shelter;*

11 *(2) assistance from the Federal Government is*
12 *an important factor in the success of efforts by State*
13 *and local governments and the private sector to ad-*
14 *dress the problem of hopelessness in a comprehensive*
15 *manner;*

16 *(3) there are a multitude of Federal Government*
17 *programs to assist the homeless, including programs*
18 *for elderly persons, with disabilities, Native Ameri-*
19 *cans, and veterans;*

20 *(4) many of the Federal programs for the home-*
21 *less have overlapping objectives, resulting in multiple*
22 *sources of Federal funding for the same or similar*
23 *purposes;*

24 *(5) while the results of Federal programs to as-*
25 *ist the homeless generally have been positive, it is*

1 *clear that there is a need for consolidation and sim-*
2 *plification of such programs to better support local ef-*
3 *forts;*

4 (6) *increasing resources available to reduce hope-*
5 *lessness are utilized in the development of services*
6 *rather than the creation of housing;*

7 (7) *housing programs must be evaluated on the*
8 *basis of their effectiveness in reducing hopelessness,*
9 *transitioning individuals to permanent housing and*
10 *self-sufficiency, and creating an adequate plan to dis-*
11 *charge homeless persons to and from mainstream*
12 *service systems;*

13 (8) *effective hopelessness treatment should pro-*
14 *vide a comprehensive housing system (including tran-*
15 *sitional and permanent housing) and, while not all*
16 *homeless individuals and families attain self-suffi-*
17 *ciency and independence by utilizing transitional*
18 *housing and then permanent housing, in many cases*
19 *such individuals and families are best able to reenter*
20 *society directly through permanent, supportive hous-*
21 *ing;*

22 (9) *supportive housing activities support home-*
23 *less persons in an environment that can meet their*
24 *short-term or long-term needs and prepare them to re-*
25 *enter society as appropriate;*

1 (10) *hopelessness should be treated as part of a*
2 *symptom of many neighborhood and community*
3 *problems, whose remedies require a holistic approach*
4 *integrating all available resources;*

5 (11) *there are many private sector entities, par-*
6 *ticularly nonprofit organizations, that have success-*
7 *fully operated homeless programs;*

8 (12) *government restrictions and regulations*
9 *may discourage and impede innovative approaches to*
10 *hopelessness, such as coordination of the various types*
11 *of assistance that are required by homeless persons;*
12 *and*

13 (13) *the Federal Government has a responsibility*
14 *to establish partnerships with State and local govern-*
15 *ments and the private sector to address comprehen-*
16 *sively the problems of hopelessness.*

17 (b) *PURPOSE.—It is the purpose of this Act—*

18 (1) *to consolidate the existing housing programs*
19 *for homeless persons under title IV of the Stewart B.*
20 *McKinney Homeless Assistance Act into a single block*
21 *grant program for housing assistance for the homeless;*

22 (2) *to allow flexibility and creativity in rethink-*
23 *ing solutions to hopelessness, including alternative*
24 *housing strategies and an improved service sector;*

1 (3) to provide Federal assistance to reduce hope-
2 lessness on a basis that requires recipients of such as-
3 sistance to supplement the federally provided amounts
4 and thereby guarantee the provision of a certain level
5 of housing and complementary services necessary to
6 meet the needs of the homeless population; and

7 (4) to ensure that multiple Federal agencies are
8 involved in the provision of housing, human services,
9 employment, and education assistance both through
10 the funding provided for implementation of the Stew-
11 art B. McKinney Homeless Assistance Act and main-
12 stream funding and to encourage entrepreneurial ap-
13 proaches in the provision of housing for homeless peo-
14 ple.

15 **SEC. 3. GENERAL PROVISIONS.**

16 Title I of the Stewart B. McKinney Homeless Assist-
17 ance Act (42 U.S.C. 11301 et seq.) is amended—

18 (1) by striking section 102;

19 (2) in section 103—

20 (A) in subsection (a), by striking “the term
21 ‘homeless’ or ‘homeless individual or homeless
22 person’ includes” and inserting “the terms
23 ‘homeless’, ‘individual’, and ‘homeless person’ in-
24 clude”; and

1 (B) in subsection (c), by striking “the term
2 ‘homeless’ or ‘homeless individual’ does not in-
3 clude” and inserting “the terms ‘homeless’, ‘indi-
4 vidual’, and ‘homeless person’ do not include”;
5 and

6 (3) by redesignating sections 103, 104, and 105
7 as sections 102, 103, and 104, respectively.

8 **SEC. 4. FEDERAL EMERGENCY MANAGEMENT AGENCY FOOD**
9 **AND SHELTER PROGRAM.**

10 Section 322 of the Stewart B. McKinney Homeless As-
11 sistance Act (42 U.S.C. 11352) is amended to read as fol-
12 lows:

13 **“SEC. 322. AUTHORIZATION OF APPROPRIATIONS.**

14 “There are authorized to be appropriated to carry out
15 this title such sums as may be necessary for each of fiscal
16 years 1998, 1999, 2000, 2001, and 2002.”.

17 **SEC. 5. PERMANENT HOUSING DEVELOPMENT AND FLEXI-**
18 **BLE BLOCK GRANT HOMELESS ASSISTANCE**
19 **PROGRAM.**

20 (a) *IN GENERAL.*—Title IV of the Stewart B. McKin-
21 ney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is
22 amended to read as follows:

1 **“TITLE IV—PERMANENT HOUS-**
2 **ING DEVELOPMENT AND**
3 **FLEXIBLE BLOCK GRANT**
4 **HOMELESS ASSISTANCE PRO-**
5 **GRAM**

6 **“Subtitle A—General Provisions**

7 **“SEC. 401. PURPOSE; PERFORMANCE MEASURES.**

8 “(a) *PURPOSE.*—*The purpose of the program under*
9 *this title is to provide assistance for permanent housing de-*
10 *velopment for homeless persons and promote the develop-*
11 *ment of a comprehensive housing system that transitions*
12 *homeless persons to live as independently as possible, in-*
13 *cluding assistance in the form of permanent housing devel-*
14 *opment, supportive housing, emergency shelters, supportive*
15 *services, and activities to prevent hopelessness.*

16 “(b) *PERFORMANCE MEASURES.*—*Consistent with the*
17 *purposes and requirements of the Government Performance*
18 *and Results Act of 1993, the programs under this title and*
19 *the implementation of such programs by the Department*
20 *of Housing and Urban Development shall comply with the*
21 *following performance goals:*

22 “(1) *The Federal Government shall ensure an ef-*
23 *fective grant allocation process and sound financial*
24 *management of the process. Such grant allocation*
25 *process shall be implemented to ensure that—*

1 “(A) local governments shall work with the
2 appropriate Local Board to create innovative
3 plans sufficient to address the needs of homeless
4 people in their community; and

5 “(B) all eligible communities receive funds
6 to address the needs of homeless people in such
7 communities through local governments or pri-
8 vate nonprofit organizations.

9 “(2) The financial resources provided under this
10 title shall be used effectively to create more low-cost
11 permanent housing and to transition homeless people
12 to self-sufficiency and permanent housing.

13 “(3) The Federal Government shall use the Inter-
14 agency Council on the Homeless as a vehicle to co-
15 ordinate services, programs, and funds to promote the
16 transition of homeless people to self-sufficiency in per-
17 manent housing.

18 **“SEC. 402. GRANT AUTHORITY.**

19 “(a) *IN GENERAL.*—The Secretary may make grants
20 as provided under this title to eligible grantees for States,
21 metropolitan cities and urban counties, consortia, and in-
22 sular areas for carrying out eligible activities under sub-
23 titles B and C.

1 “(b) *GRANT AMOUNTS.*—*Except as otherwise provided*
2 *under this title, amounts for a fiscal year allocated under*
3 *section 406 shall be used as follows:*

4 “(1) *INSULAR AREAS.*—*Any amounts for the fis-*
5 *cal year allocated under section 406(a) for an insular*
6 *area shall be used for a grant to the eligible grantee*
7 *for the insular area for such fiscal year.*

8 “(2) *PERMANENT HOUSING DEVELOPMENT.*—*Any*
9 *amounts allocated under section 406(b) for use under*
10 *subtitle B shall be used for grants under section*
11 *406(b)(2) to States, metropolitan cities, urban coun-*
12 *ties, and consortia for such fiscal year.*

13 “(3) *FLEXIBLE BLOCK GRANT HOMELESS ASSIST-*
14 *ANCE.*—*Any amounts allocated under section 406(c)*
15 *for a State, metropolitan city or urban county, or*
16 *consortium shall be used for a grant under section*
17 *406(c) to the eligible grantee for the State, metropoli-*
18 *tan city or urban county, or consortium respectively,*
19 *for the fiscal year.*

20 “(c) *USE FOR ELIGIBLE ACTIVITIES.*—*Grant amounts*
21 *provided under this title and any supplemental funds pro-*
22 *vided under section 407 may be used only as follows:*

23 “(1) *INSULAR AREA GRANTS.*—*In the case of a*
24 *grant under subsection (b)(1) for an insular area, for*

1 *eligible activities under subtitle C benefiting the insu-*
 2 *lar area.*

3 “(2) *PERMANENT HOUSING DEVELOPMENT*
 4 *GRANTS.—In the case of a grant under subsection*
 5 *(b)(2) to a State, metropolitan city or urban county,*
 6 *or consortium, for eligible activities under subtitle B*
 7 *within the State, metropolitan city or urban county,*
 8 *or consortium, respectively.*

9 “(3) *FLEXIBLE BLOCK GRANT HOMELESS ASSIST-*
 10 *ANCE.—In the case of a grant under subsection (b)(3)*
 11 *for a State, metropolitan city or urban county, or*
 12 *consortium, for eligible activities under subtitle C*
 13 *benefiting the State, city or county, or consortium*
 14 *and carried out only within non entitlement areas of*
 15 *the State, within the city or county, or consortium,*
 16 *as applicable.*

17 **“SEC. 403. ELIGIBLE GRANTEES.**

18 “*For purposes of this title, the term ‘eligible grantee’*
 19 *has the following meaning:*

20 “(1) *GRANTS FOR INSULAR AREAS.—In the case*
 21 *of a grant from amounts allocated under section*
 22 *406(a) for an insular area, such term means—*

23 “(A) *the insular area, or an agency, office,*
 24 *or other entity of the area; or*

1 “(B) to the extent that an entity that is a
2 private nonprofit organization is authorized by
3 the government of the insular area to act as the
4 grantee for the area for purposes of this title,
5 such private nonprofit entity.

6 “(2) GRANTS FOR PERMANENT HOUSING DEVEL-
7 OPMENT AND FLEXIBLE ASSISTANCE.—In the case of
8 a grant from amounts allocated under section 406(b)
9 or section 406(c) for a State, or for a metropolitan
10 city or urban county, such term means—

11 “(A) the State, or the metropolitan city or
12 urban county, respectively, or an agency, office,
13 or other entity of the State, or the city or county,
14 respectively;

15 “(B) a consortium of units of general local
16 governments which shall be deemed to be a met-
17 ropolitan city, but only if the Secretary deter-
18 mines that the consortium—

19 “(i) is comprised of units of general
20 local government which are geographically
21 contiguous (which may include all units of
22 general local government within a State);

23 “(ii) has sufficient authority and ad-
24 ministrative capability to carry out the

1 *purposes of this title on behalf of its member*
2 *jurisdictions; and*

3 “(iii) *will, according to a written cer-*
4 *tification by the State (or States, if the con-*
5 *sortium includes jurisdictions in more than*
6 *one State) in which its member jurisdic-*
7 *tions are located, direct its activities to alle-*
8 *vation of hopelessness problems within the*
9 *State (or States); and*

10 “(C) *to the extent that a private nonprofit*
11 *organization is authorized by the government of*
12 *the State or the city or county under subpara-*
13 *graph (B) to act as the grantee for the State, or*
14 *the city or county, respectively, for purposes of*
15 *this title, such private nonprofit organization.*

16 **“SEC. 404. USE OF PROJECT SPONSORS.**

17 “(a) *TRANSFER OF GRANT AMOUNTS BY GRANTEES.—*
18 *Eligible activities assisted with grant amounts provided*
19 *under this title may be carried out directly by the grantee*
20 *or by other entities serving as project sponsors, which are*
21 *provided such grant amounts by the grantee or a subgrantee*
22 *of the grantee.*

23 “(b) *COMPETITIVE SELECTION CRITERIA.—To the ex-*
24 *tent that a grantee does not use grant amounts for eligible*
25 *activities carried out directly by the grantee, the grantee*

1 *shall select eligible activities for assistance and project spon-*
2 *sors to carry out such eligible activities pursuant to a com-*
3 *petition based on criteria established by the Secretary,*
4 *which shall include—*

5 “(1) *whether the project sponsor that will carry*
6 *out the activity is financially responsible;*

7 “(2) *the ability of the project sponsor to carry*
8 *out the eligible activity and the project sponsor’s expe-*
9 *rience in successfully transitioning homeless persons*
10 *into stable, long-term housing;*

11 “(3) *the need for the type of eligible activity in*
12 *the area to be served;*

13 “(4) *the extent to which the amount of assistance*
14 *to be provided with grant amounts will be supple-*
15 *mented with resources from other public and private*
16 *sources;*

17 “(5) *the cost-effectiveness of the proposed eligible*
18 *activity, considered in relation to the ultimate goal of*
19 *moving people out of hopelessness permanently, in-*
20 *cluding consideration of high-cost area services, and*
21 *other necessary amenities;*

22 “(6) *the extent to which the project sponsor car-*
23 *rying out the eligible activity will coordinate with*
24 *Federal, State, local, and private entities serving*
25 *homeless persons in the development of a comprehen-*

1 *sive housing system and in the planning and oper-*
2 *ation of the activity, to the extent practicable, and*
3 *pursuant to section 408(m)(3) will carry out the ac-*
4 *tivity in coordination and conjunction with federally*
5 *funded activities for the homeless;*

6 “(7) *the extent to which the project sponsor em-*
7 *ployes homeless persons or involves homeless persons or*
8 *formerly homeless persons in the operation and design*
9 *of its programs; and*

10 “(8) *such other factors as the Secretary deter-*
11 *mines to be appropriate to carry out this title in an*
12 *effective and efficient manner.*

13 **“SEC. 405. COMPREHENSIVE HOUSING AFFORDABILITY**
14 **STRATEGY COMPLIANCE.**

15 “A grant under this title may be provided to an eligi-
16 ble grantee only if—

17 “(1) *the applicable jurisdiction for which the*
18 *grant amounts are allocated under section 406 has*
19 *submitted to the Secretary a comprehensive housing*
20 *affordability strategy in accordance with section 105*
21 *of the Cranston-Gonzalez National Affordable Hous-*
22 *ing Act and any other requirement established by the*
23 *Secretary and which is in effect for the fiscal year for*
24 *which such grant amounts are to be provided; and*

1 “(2) the public official of such applicable juris-
2 diction who is responsible for submitting the com-
3 prehensive housing affordability strategy certifies to
4 the Secretary that the eligible activities to be assisted
5 with such grant amounts are or will be consistent
6 with the comprehensive housing affordability strategy
7 for the jurisdiction and the plans in such strategy for
8 addressing housing needs for homeless families.

9 **“SEC. 406. ALLOCATION AND AVAILABILITY OF AMOUNTS.**

10 “(a) *ALLOCATION FOR INSULAR AREAS.*—Of the
11 amount made available for grants under this title for a fis-
12 cal year, the Secretary shall reserve for grants for each of
13 the insular areas amounts in accordance with an allocation
14 formula established by the Secretary.

15 “(b) *ALLOCATION FOR PERMANENT HOUSING DEVEL-*
16 *OPMENT GRANTS UNDER SUBTITLE B.*—

17 “(1) *ANNUAL PORTION OF APPROPRIATED*
18 *AMOUNT AVAILABLE.*—Of the amount made available
19 for grants under this title for a fiscal year that re-
20 mains after amounts are reserved under subsection
21 (a), the Secretary shall allocate for use under subtitle
22 B, 30 percent of such funds (except that for fiscal
23 years 1998 and 1999, the Secretary shall allocate 25
24 percent of such funds for use under such subtitle).

1 “(2) *GRANTS.*—Using the amounts allocated for
2 use under subtitle B for a fiscal year, the Secretary
3 shall make grants to States, metropolitan cities and
4 urban counties, and consortia pursuant to a national
5 competition based on the criteria specified in section
6 404(b) and in accordance with such other factors as
7 the Secretary determines to be appropriate to carry
8 out this title in an effective and efficient manner.

9 “(3) *LIMITATION.*—In making grants using
10 amounts allocated for use under subtitle B for any
11 fiscal year, the Secretary shall ensure that not more
12 than 35 percent of the total amount allocated for such
13 use for such fiscal year is used for activities under
14 section 441 of the Stewart B. McKinney Homeless As-
15 sistance Act, as in effect on October 31, 1997.

16 “(c) *ALLOCATION FOR FLEXIBLE BLOCK GRANT*
17 *HOMELESS ASSISTANCE UNDER SUBTITLE C.*—

18 “(1) *ANNUAL PORTION OF APPROPRIATED*
19 *AMOUNT AVAILABLE FOR SUBTITLE C ACTIVITIES.*—Of
20 the amount made available for grants under this title
21 for a fiscal year that remains after amounts are re-
22 served under subsection (a), the Secretary shall allo-
23 cate for use under subtitle C 70 percent of such funds
24 (except that for fiscal years 1998 and 1999, the Sec-

1 *retary shall allocate 75 percent of such funds for use*
2 *under such subtitle).*

3 *“(2) ALLOCATION OF AMOUNT AVAILABLE BE-*
4 *TWEEN METROPOLITAN CITIES AND URBAN COUNTIES*
5 *AND STATES.—Of the amount allocated pursuant to*
6 *paragraph (1) for use under subtitle C for a fiscal*
7 *year, 70 percent shall be allocated for metropolitan*
8 *cities and urban counties and 30 percent shall be al-*
9 *located for States.*

10 *“(3) INTERIM DETERMINATION OF ALLOCATED*
11 *AMOUNT.—Except as provided in subparagraph (A)*
12 *the Secretary shall allocate amounts available for use*
13 *under subtitle C for a fiscal year so that—*

14 *“(A) for each metropolitan city and urban*
15 *county, the percentage of the total amount allo-*
16 *cated under this subsection for cities and coun-*
17 *ties that is allocated for such city or county is*
18 *equal to the percentage of the total amount avail-*
19 *able for the preceding fiscal year under section*
20 *106(b) of the Housing and Community Develop-*
21 *ment Act of 1974 for grants to metropolitan*
22 *cities and urban counties that was allocated for*
23 *such city or county; and*

24 *“(B) for each State, the percentage of the*
25 *total amount allocated under this subsection for*

1 *States that is allocated for such State is equal*
2 *to the percentage of the total amount available*
3 *for the preceding fiscal year under section 106(d)*
4 *of the Housing and Community Development Act*
5 *of 1974 for grants to States that was allocated*
6 *for such State.*

7 “(4) *MINIMUM APPROPRIATION REQUIRE-*
8 *MENT.—If, by December 1 of any fiscal year, the*
9 *amount appropriated for grants under this title for*
10 *such fiscal year is less than \$750,000,000—*

11 “(A) *the Secretary shall not allocate*
12 *amounts for such fiscal year under subsection (b)*
13 *and this subsection;*

14 “(B) *subsection (d) shall not apply to*
15 *amounts for such fiscal year; and*

16 “(C) *notwithstanding any other provision of*
17 *this title, the Secretary shall make grants under*
18 *this title from such amounts to States, units of*
19 *general local government, and private nonprofit*
20 *organizations, pursuant to a national competi-*
21 *tion based on the criteria specified in section*
22 *404(b).*

23 “(5) *STUDY; SUBMISSION OF INFORMATION TO*
24 *CONGRESS RELATED TO ALTERNATIVE METHODS OF*
25 *ALLOCATION.—Not later than 1 year after the date of*

1 *the enactment of the Homeless Housing Program Con-*
2 *solidation and Flexibility Act, the Secretary shall—*

3 “(A) submit to Congress—

4 “(i) the best available methodology for
5 determining a formula relative to the geo-
6 graphic allocation of funds under this sub-
7 title among entitlement communities and
8 nonentitlement areas based on the incidence
9 of homelessness and factors that lead to
10 homelessness;

11 “(ii) proposed alternatives to the for-
12 mula submitted pursuant to clause (i) for
13 allocating funds under this section, includ-
14 ing an evaluation and recommendation on
15 a 75/25 percent allocation of flexible block
16 grant homeless assistance between metro-
17 politan cities and urban counties and
18 States under paragraph (2);

19 “(iii) an analysis of the deficiencies in
20 the current allocation formula described in
21 section 106(b) of the Housing and Commu-
22 nity Development Act of 1974, and an anal-
23 ysis of the adequacy of current indices used
24 as proxies for measuring homelessness; and

1 “(iv) an analysis of the bases underlying
2 each of the proposed allocation methods;

3 “(B) perform the duties required by this
4 paragraph in ongoing consultation with—

5 “(i) the Subcommittee on Housing Op-
6 portunity and Community Development of
7 the Committee on Banking, Housing, and
8 Urban Affairs of the Senate;

9 “(ii) the Subcommittee on Housing
10 and Community Opportunity of the Com-
11 mittee on Banking and Financial Services
12 of the House of Representatives;

13 “(iii) organizations representing
14 States, metropolitan cities and urban coun-
15 ties;

16 “(iv) organizations representing rural
17 communities;

18 “(v) organizations representing veter-
19 ans;

20 “(vi) organizations representing per-
21 sons with disabilities;

22 “(vii) members of the academic com-
23 munity; and

24 “(viii) national homelessness advocacy
25 groups; and

1 “(C) estimate the amount of funds that will
2 be received annually by each entitlement commu-
3 nity and nonentitlement area under each such
4 alternative allocation system and compare such
5 amounts to the amount of funds received by each
6 entitlement community and nonentitlement area
7 in prior years under this section.

8 “(6) *MINIMUM GRANT AMOUNT.*—Notwithstand-
9 ing paragraph (3), a State or metropolitan city or
10 urban county shall receive no less funding under this
11 subsection in the first full fiscal year after the date
12 of the enactment of the Homeless Housing Programs
13 Consolidation and Flexibility Act than 90 percent of
14 the average of the amounts awarded annually to that
15 jurisdiction for homeless assistance programs admin-
16 istered by the Secretary (not including allocations for
17 shelter plus care and single room occupancy programs
18 as defined in, and in effect pursuant to, this Act
19 prior to the date of the enactment of the Homeless
20 Housing Programs Consolidation and Flexibility Act)
21 under this title during fiscal years 1994 through
22 1997, no less than 85 percent in the second full fiscal
23 year after the date of the enactment of the Homeless
24 Housing Programs Consolidation and Flexibility Act,
25 no less than 80 percent in the third and fourth full

1 *fiscal years after the date of the enactment of the*
2 *Homeless Housing Programs Consolidation and*
3 *Flexibility Act, and no less than 75 percent in the*
4 *fifth full fiscal year after the date of the enactment of*
5 *the Homeless Housing Programs Consolidation and*
6 *Flexibility Act, but only if the amount appropriated*
7 *pursuant to section 435 in each such fiscal year ex-*
8 *ceeds \$800,000,000. If that amount does not exceed*
9 *\$800,000,000 in any fiscal year referred to in the*
10 *first sentence of this paragraph, the jurisdiction may*
11 *receive its proportionate share of the amount appro-*
12 *priated which may be less than the amount stated*
13 *such sentence for such fiscal year.*

14 “(7) *MINIMUM STATE ALLOCATION.*—*Notwith-*
15 *standing paragraphs (3) and (6), if in any fiscal*
16 *year the allocation for a State is less than \$2,000,000,*
17 *the allocation for that State shall be increased to*
18 *\$2,000,000 and the increase shall be provided by de-*
19 *ducting pro rata amounts from the allocations of*
20 *States with allocations of more than \$2,000,000.*

21 “(8) *REDUCTION.*—*Notwithstanding paragraphs*
22 *(1) through (7), in any fiscal year, the Secretary may*
23 *provide a grant under this subsection for a State or*
24 *metropolitan city or urban county, in an amount less*
25 *than the amount allocated under those paragraphs, if*

1 *the Secretary determines that the jurisdiction has*
2 *failed to comply with requirements of this title, or*
3 *that such action is otherwise appropriate.*

4 *“(d) RECAPTURE OF ALLOCATED AMOUNTS.—The Sec-*
5 *retary shall recapture the following amounts:*

6 *“(1) UNUSED AMOUNTS.—Not less than once*
7 *during each fiscal year, the Secretary shall recapture*
8 *any amounts allocated under this section that—*

9 *“(A) are allocated for a State, metropolitan*
10 *city or urban county, or insular area, but not*
11 *provided to an eligible grantee for the jurisdic-*
12 *tion because of failure to apply for a grant*
13 *under this title or failure to comply with the re-*
14 *quirements of this title;*

15 *“(B) were provided to a grantee and (i) re-*
16 *captured under this title, or (ii) not utilized by*
17 *the grantee in accordance with the purposes and*
18 *objectives of the approved application of the*
19 *grantee within a reasonable time period, which*
20 *the Secretary shall establish; or*

21 *“(C) are returned to the Secretary by the*
22 *time of such reallocation.*

23 *“(2) AMOUNTS ALLOCATED TO GRANTEES THAT*
24 *FAIL TO COMPLY WITH COMPREHENSIVE HOUSING AF-*
25 *FORDABILITY STRATEGY REQUIREMENTS.—Notwith-*

1 *standing paragraph (1), if, for any fiscal year, a met-*
2 *ropolitan city or urban county fails to comply with*
3 *the requirement under section 405(1) during the 90-*
4 *day period beginning on the date that amounts for*
5 *grants under this title for such fiscal year first be-*
6 *come available for allocation, the amounts that would*
7 *have been allocated under subsection (c) of this section*
8 *for such city or county shall be reallocated for the*
9 *State in which the unit is located, but only if the*
10 *State has complied with the requirement under sec-*
11 *tion 405(1). Any amounts that cannot be allocated for*
12 *a State under the preceding sentence shall be reallo-*
13 *cated for other metropolitan cities and urban counties*
14 *and States that comply with such requirement and*
15 *demonstrate extraordinary need or large numbers of*
16 *homeless persons, as determined by the Secretary.*

17 *“(e) REALLOCATION OF AMOUNTS.—Any amounts al-*
18 *located under subsection (b) that are recaptured pursuant*
19 *to subsection (d)(1) shall be reallocated only for use under*
20 *subtitle B. Any amounts allocated under subsection (c) that*
21 *are recaptured pursuant to subsection (d)(1) shall be reallo-*
22 *cated only for use under subtitle C.*

23 **“SEC. 407. MATCHING FUNDS REQUIREMENT.**

24 *“(a) IN GENERAL.—Each State, metropolitan city or*
25 *urban county, and insular area for which a grant under*

1 *this title is made shall supplement the amount of the grant*
2 *provided under this title with an amount that is not less*
3 *than—*

4 “(1) 50 percent of the amount of such grant, if
5 *the State, metropolitan city or urban county, and in-*
6 *sular area has indicated in its application for such*
7 *grant that it will not include as a portion of its*
8 *supplementation the cost or value of donated services;*
9 *or*

10 “(2) 100 percent of the grant amount, if the
11 *State, metropolitan city or urban county, and insular*
12 *area indicated in its application for such grant that*
13 *it will include as a portion of its supplementation the*
14 *cost or value of donated services.*

15 “(b) *MATCHING REQUIREMENT FOR USE OF MORE*
16 *THAN 35 PERCENT OF FUNDS FOR SUPPORTIVE SERV-*
17 *ICES.—In addition to the supplemental funds required pur-*
18 *suant to subsection (a), for the second full fiscal year after*
19 *the date of the enactment of the Homeless Housing Pro-*
20 *grams Consolidation and Flexibility Act and each fiscal*
21 *year thereafter, a State, consortium, or metropolitan city*
22 *or urban county shall supplement the grant funds for the*
23 *State, consortium, city or county in an amount equal to*
24 *the amount used by that State, metropolitan city or urban*
25 *county, or consortium for supportive services in a fiscal*

1 *year that exceeds 35 percent of the total grant amount for*
2 *the State, metropolitan city or urban county, or consortium*
3 *for that fiscal year.*

4 “(c) *TREATMENT OF INDEPENDENT STATE OR LOCAL*
5 *GOVERNMENT FUNDS.—Any State or local government*
6 *funds used independently from the program under this title,*
7 *or designated for such use, to assist the homeless by carrying*
8 *out activities that would be eligible for assistance under this*
9 *subtitle may be counted toward the amount required pursu-*
10 *ant to subsection (a).*

11 “(d) *AUTHORITY FOR GRANTEES TO REQUIRE*
12 *SUPPLEMENTATION.—*

13 “(1) *IN GENERAL.—Each grantee under this title*
14 *may require any subgrantee or project sponsor to*
15 *whom it provides such grant amounts to provide sup-*
16 *plemental amounts required under subsections (a)*
17 *and (b) with an amount of funds from sources other*
18 *than this title.*

19 “(2) *AMOUNT ALLOWED TO BE REQUIRED BY*
20 *GRANTEE.—*

21 “(A) *GRANT AMOUNT.—Except as provided*
22 *in paragraph (3), a grantee may not require any*
23 *subgrantee or project sponsor to whom it pro-*
24 *vides such grant amounts under this title to pro-*
25 *vide—*

1 “(i) supplemental amounts required
2 under subsection (a)(1) in an amount ex-
3 ceeding 25 percent of the grant amount pro-
4 vided to the grantee or project sponsor; or

5 “(ii) supplemental amounts required
6 under subsection (a)(2) in an amount ex-
7 ceeding 50 percent of the grant amount pro-
8 vided to the grantee or project sponsor.

9 “(B) *SUPPORTIVE SERVICES.*—A grantee
10 may require any subgrantee or project sponsor to
11 whom it provides grant amounts under this title
12 to provide supplemental amounts required under
13 subsection (b) in an amount equal to the amount
14 used by subgrantee or project sponsor for sup-
15 portive services in a fiscal year that exceeds 35
16 percent of the total amount allocated pursuant to
17 this subsection for that fiscal year.

18 “(3) *SUPPLEMENTAL FUNDS MAY BE CONSID-*
19 *ERED AS MATCHING FUNDS.*—Supplemental amounts
20 provided by a subgrantee or project sponsor pursuant
21 to this subsection may be considered supplemental
22 amounts for purposes of compliance by any grantee
23 with the requirement under subsections (a) and (b).

24 “(e) *USE OF FUNDS.*—Any supplemental funds made
25 available in compliance with this section shall be available

1 *only to carry out eligible activities (1) under subtitle B,*
2 *if the grant amounts are available only for such activities,*
3 *or (2) under subtitle C, if the grant amounts are available*
4 *only for such activities.*

5 “(f) *SUPPLEMENTAL FUNDS.—In determining the*
6 *amount of supplemental funds provided in accordance with*
7 *this section, the following amounts may be included:*

8 “(1) *Cash.*

9 “(2) *The value of any donated or purchased ma-*
10 *terial or building.*

11 “(3) *The value of any lease on a building.*

12 “(4) *The proceeds from bond financing validly*
13 *issued by a State or unit of general local government,*
14 *agency, or instrumentality thereof, and repayable*
15 *with revenues derived from the activity assisted under*
16 *this title.*

17 “(5) *The amount of any salary paid to staff to*
18 *carry out a program for eligible activities under sub-*
19 *title B or C.*

20 “(6) *The cost or value of any donated goods.*

21 “(7) *The value of taxes, fees, or other charges*
22 *that are normally and customarily imposed, but*
23 *which are waived or foregone to assist in providing*
24 *housing or services for the homeless.*

1 “(8) *The cost of on-site and off-site infrastruc-*
2 *ture that is directly related to and necessary for pro-*
3 *viding housing or services for the homeless.*

4 “(9) *The cost or value of any donated services,*
5 *but only if the State, metropolitan city or urban*
6 *county, and insular area has stated in its application*
7 *for a grant under this title that it shall supplement*
8 *the amount of such grant, in accordance with section*
9 *407(a)(2).*

10 “(g) *REDUCTION IN MATCHING REQUIREMENTS.—*

11 “(1) *IN GENERAL.—The Secretary shall reduce*
12 *the matching requirement under subsection (a) during*
13 *a fiscal year by—*

14 “(A) *50 percent for a jurisdiction that cer-*
15 *tifies that it is in fiscal distress; and*

16 “(B) *100 percent for a jurisdiction that cer-*
17 *tifies that it is in severe fiscal distress.*

18 *For purposes of subparagraphs (A) and (B), the juris-*
19 *diction shall make the certification on behalf of a re-*
20 *recipient that is not a governmental jurisdiction.*

21 “(2) *DEFINITIONS.—For purposes of this sub-*
22 *section—*

23 “(A) *the term ‘fiscal distress’ means, with*
24 *respect to a unit of general local government, in-*
25 *sular area, or State recipient that is a govern-*

1 *mental jurisdiction, that the jurisdiction satisfies*
2 *one of the distress criteria set forth in paragraph*
3 *(3); and*

4 *“(B) the term ‘severe fiscal distress’ means,*
5 *with respect to a unit of general local govern-*
6 *ment, insular area, or State recipient that is a*
7 *governmental jurisdiction, that the jurisdiction*
8 *satisfies both of the distress criteria set forth in*
9 *paragraph (3).*

10 *“(3) DISTRESS CRITERIA.—For a unit of general*
11 *local government, an insular area, or a State recipi-*
12 *ent that is a governmental jurisdiction certifying that*
13 *it is distressed, the following criteria shall apply:*

14 *“(A) POVERTY RATE.—The average poverty*
15 *rate in the jurisdiction for the calendar year im-*
16 *mediately preceding the year in which its fiscal*
17 *year begins was equal to or greater than 125*
18 *percent of the average national poverty rate dur-*
19 *ing such calendar year (as determined according*
20 *to information of the Bureau of the Census).*

21 *“(B) PER CAPITA INCOME.—The average*
22 *per capita income in the jurisdiction for the cal-*
23 *endar year immediately preceding the year in*
24 *which its fiscal year begins was less than 75 per-*
25 *cent of the average national per capita income*

1 *during such calendar year (as determined ac-*
2 *cording to information of the Bureau of the Cen-*
3 *sus).*

4 “(4) *STATES.*—*In the case of a State, the Sec-*
5 *retary shall reduce the matching requirement under*
6 *subsection (a) as provided by the preceding para-*
7 *graphs, except that the certification shall be made*
8 *with respect to the area, as determined by the Sec-*
9 *retary, in which the activities are to be carried out.*

10 “(5) *WAIVER IN DISASTER AREAS.*—*If a recipi-*
11 *ent is located in an area in which a declaration of*
12 *a disaster pursuant to the Robert T. Stafford Disaster*
13 *Relief and Emergency Assistance Act is in effect for*
14 *any part of a fiscal year, the Secretary may reduce*
15 *the matching requirement for that fiscal year under*
16 *subsection (a) during that fiscal year by up to 100*
17 *percent.*

18 **“SEC. 408. PROGRAM REQUIREMENTS.**

19 “(a) *APPLICATIONS.*—

20 “(1) *FORM AND PROCEDURE.*—*The Secretary*
21 *shall make a grant under this title only pursuant to*
22 *an application for a grant submitted by an eligible*
23 *grantee in the form and in accordance with the proce-*
24 *dures established by the Secretary. The Secretary may*
25 *not give preference or priority to any application on*

1 *the basis that the application was submitted by any*
2 *particular type of eligible grantee.*

3 “(2) *CONTENTS.—The Secretary shall require*
4 *that applications contain at a minimum the follow-*
5 *ing information:*

6 “(A) *GRANTS FOR PERMANENT HOUSING*
7 *DEVELOPMENT ACTIVITIES.—In the case of an*
8 *application for a grant available for use for ac-*
9 *tivities under subtitle B or an application for a*
10 *grant available for use under subtitle C for per-*
11 *manent housing development assistance—*

12 “(i) *a description of the permanent*
13 *housing development activities to be as-*
14 *sisted;*

15 “(ii) *a description of the entities that*
16 *will carry out such activities and the pro-*
17 *grams for carrying out such activities; and*

18 “(iii) *assurances satisfactory to the*
19 *Secretary that the facility will comply with*
20 *the requirement under subsection (j).*

21 “(B) *FLEXIBLE BLOCK GRANT HOMELESS*
22 *ASSISTANCE.—In the case of an application for*
23 *a grant available for use for activities under sub-*
24 *title C—*

1 “(i) a description of the eligible activi-
2 ties to be assisted, to the extent available at
3 the time;

4 “(ii) in the case of a grant for a facil-
5 ity assisted under paragraph (1) or (2) of
6 section 421(a), assurances satisfactory to
7 the Secretary that the facility will comply
8 with the requirement under subsection (j);

9 “(iii) in the case of a grant for a sup-
10 portive housing facility assisted under this
11 title that does not receive assistance under
12 paragraph (1) or (2) of section 421(a), an-
13 nual assurances during the period specified
14 in the application that the facility will be
15 operated for the purpose specified in the ap-
16 plication for such period; and

17 “(iv) in the case of a grant for a sup-
18 portive housing facility, reasonable assur-
19 ances that the project sponsor will own or
20 have control of a site not later than the ex-
21 piration of the 12-month period beginning
22 upon notification of an award of grant as-
23 sistance, unless the application proposes
24 providing supportive housing assisted under
25 section 421(a)(3) or housing that will even-

1 *tually be owned or controlled by the families*
2 *and individuals served; except that a project*
3 *sponsor may obtain ownership or control of*
4 *a suitable site different from the site speci-*
5 *fied in the application.*

6 *“(C) ALL GRANTS.—In the case of an appli-*
7 *cation for any grant under this title—*

8 *“(i) a description of the size and char-*
9 *acteristics of the population, including spe-*
10 *cific references to populations with special*
11 *needs, that will be served by the eligible ac-*
12 *tivities assisted with grant amounts;*

13 *“(ii) a description of the public and*
14 *private resources that are expected to be*
15 *made available in connection with grant*
16 *amounts provided;*

17 *“(iii) a description of the process to be*
18 *used in compliance with section 404(b) to*
19 *select eligible activities to be assisted and*
20 *project sponsors;*

21 *“(iv) a certification that the applicant*
22 *will comply with the requirements of the*
23 *Fair Housing Act, title VI of the Civil*
24 *Rights Act of 1964, section 504 of the Reha-*
25 *ilitation Act of 1973, and the Age Dis-*

1 *crimination Act of 1975, and will affirma-*
2 *tively further fair housing; and*

3 “(v) *a statement of whether the appli-*
4 *cant will or will not include, as a portion*
5 *of its supplementation amount required*
6 *under section 407(a), the cost or value of*
7 *donated services.*

8 “(b) *REQUIRED AGREEMENTS.—The Secretary may*
9 *not provide a grant under this title for any applicant unless*
10 *the applicant agrees—*

11 “(1) *to ensure that the eligible activities carried*
12 *out with grant amounts will be carried out in accord-*
13 *ance with the provisions of this title;*

14 “(2) *to conduct an ongoing assessment of the*
15 *supportive services required by homeless persons as-*
16 *sisted by the eligible activities and the availability of*
17 *such services to such persons;*

18 “(3) *in the case of grant amounts to be used*
19 *under subtitle C for a supportive housing facility or*
20 *an emergency shelter, to ensure the provision of such*
21 *residential supervision as the Secretary determines is*
22 *necessary to facilitate the adequate provision of sup-*
23 *portive services to the residents and users of the facil-*
24 *ity or shelter;*

1 “(4) to monitor and report under section 431 to
2 the Secretary on the progress of the eligible activities
3 carried out with grant amounts;

4 “(5) to develop and implement procedures to en-
5 sure (A) the confidentiality of records pertaining to
6 any individual provided family violence prevention
7 or treatment services through any activities assisted
8 with grant amounts, and (B) that the address or loca-
9 tion of any family violence shelter facility assisted
10 with grant amounts will not be made public, except
11 with written authorization of the person or persons
12 responsible for the operation of such facility;

13 “(6) to the maximum extent practicable, to in-
14 volve homeless persons and families, through employ-
15 ment, volunteer services, or otherwise, in carrying out
16 eligible activities assisted with grant amounts; and

17 “(7) to comply with such other terms and condi-
18 tions as the Secretary may establish to carry out this
19 title in an effective and efficient manner.

20 “(c) OCCUPANCY CHARGE.—Any homeless person or
21 family residing in a dwelling unit assisted under this title
22 may be required to pay an occupancy charge in an amount
23 determined by the grantee providing the assistance, which
24 may not exceed an amount equal to 30 percent of the ad-
25 justed income (as such term is defined in section 3(b) of

1 *the United States Housing Act of 1937 or any other subse-*
2 *quent provision of Federal law defining such term for pur-*
3 *poses of eligibility for, or rental charges in, public housing)*
4 *of the person or family. Occupancy charges paid may be*
5 *reserved, in whole or in part, to assist residents in moving*
6 *to permanent housing.*

7 “(d) *FLOOD PROTECTION STANDARDS.—Flood protec-*
8 *tion standards applicable to housing acquired, rehabili-*
9 *tated, constructed, or assisted with grant amounts provided*
10 *under this title shall be no more restrictive than the stand-*
11 *ards applicable under Executive Order No. 11988 (42*
12 *U.S.C. 4321 note; relating to floodplain management) to*
13 *the other programs in effect under this title immediately*
14 *before the enactment of the Homeless Housing Programs*
15 *Consolidation and Flexibility Act.*

16 “(e) *PARTICIPATION OF CITIZENS AND OTHERS.*

17 “(1) *IN GENERAL.—Each grantee shall—*

18 “(A) *each fiscal year, make available to its*
19 *citizens, public agencies, and other interested*
20 *parties information concerning the amount of as-*
21 *sistance the jurisdiction expects to receive and*
22 *the range of activities that may be undertaken*
23 *with the assistance;*

24 “(B) *publish the proposed application in a*
25 *manner that, in the determination of the Sec-*

1 *retary, affords affected citizens, public agencies,*
2 *and other interested parties a reasonable oppor-*
3 *tunity to examine its content and to submit com-*
4 *ments on it;*

5 “(C) *each fiscal year, hold one or more pub-*
6 *lic hearings to obtain the views of citizens, public*
7 *agencies, and other interested parties on the*
8 *housing needs of the jurisdiction; and*

9 “(D) *provide citizens, public agencies, and*
10 *other interested parties with reasonable access to*
11 *records regarding any uses of any assistance the*
12 *grantee may have received under this subtitle*
13 *during the preceding 5 years.*

14 “(2) *ELECTRONIC ACCESS.—A grantee may com-*
15 *ply with the requirement under subparagraphs (A),*
16 *(B), and (D) of paragraph (1) by making the infor-*
17 *mation available through interactive computer or tele-*
18 *phone services or other electronic information net-*
19 *works and systems appropriate for making such in-*
20 *formation widely available to the public.*

21 “(3) *NOTICE AND COMMENT.—Before submitting*
22 *any substantial amendment to an application under*
23 *this Act, a grantee shall provide citizens with reason-*
24 *able notice of, and opportunity to comment on, the*
25 *amendment.*

1 “(4) *CONSIDERATION OF COMMENTS.*—A grantee
2 shall consider any comments or views of citizens in
3 preparing a final application or amendment to an
4 application for submission. A summary of such com-
5 ments or views shall be attached when an application
6 or amendment to an application is submitted. The
7 submitted application or amendment shall be made
8 available to the public.

9 “(5) *AUTHORITY OF SECRETARY.*—The Secretary
10 shall establish procedures appropriate and practicable
11 for providing a fair hearing and timely resolution of
12 citizen complaints related to applications under this
13 subtitle.

14 “(6) *HOMELESS INDIVIDUALS.*—The Secretary
15 shall, by regulation, require each grantee to ensure
16 that each project sponsor assisted by the grantee pro-
17 vides for the participation of not less than 1 homeless
18 person or former homeless person on the board of di-
19 rectors or other equivalent policymaking entity of the
20 project sponsor, to the extent that such sponsor con-
21 siders and makes policies and decisions regarding
22 any activity or facility, supportive services, or assist-
23 ance provided with grant amounts under this title.
24 The Secretary shall provide that a grantee may grant
25 waivers to project sponsors unable to meet the require-

1 *ment under the preceding sentence if the sponsor*
2 *agrees to otherwise consult with homeless or formerly*
3 *homeless persons in considering and making such*
4 *policies and decisions.*

5 *“(f) LIMITATION ON USE OF FUNDS.—No grant*
6 *amounts received under this title (or any funds provided*
7 *under section 407 or otherwise to supplement such grants)*
8 *may be used to replace other State or local funds previously*
9 *used, or designated for use, to assist homeless persons.*

10 *“(g) LIMITATION ON ADMINISTRATIVE EXPENSES.—*
11 *Notwithstanding any other provision of this title, of any*
12 *grant amounts under this title used to carry out eligible*
13 *activities, the grantee or the project sponsor may use for*
14 *administrative purposes—*

15 *“(1) an amount not exceeding 5 percent of such*
16 *grant amount; or*

17 *“(2) if the grantee implements use of a standard-*
18 *ized homeless database management system to record*
19 *and assess data on the usage of homeless housing,*
20 *services, and client needs, and on the number and*
21 *other information related to populations with special*
22 *needs, an amount not exceeding 7.5 percent of such*
23 *grant amount.*

24 *“(h) HOUSING QUALITY.—*

1 “(1) *REQUIREMENT.*—*Assistance may not be*
2 *provided with grant amounts made available for use*
3 *under this title for any permanent housing develop-*
4 *ment, dwelling unit, supportive housing facility, or*
5 *emergency shelter that fails to comply with the hous-*
6 *ing quality standards applicable under paragraph (2)*
7 *in the jurisdiction in which the housing is located,*
8 *unless the deficiency is promptly corrected and the*
9 *project sponsor verifies the correction.*

10 “(2) *APPLICABLE STANDARDS.*—*The housing*
11 *quality standards applicable under this subsection to*
12 *permanent housing, a dwelling unit, supportive hous-*
13 *ing facility, or emergency shelter shall be—*

14 “(A) *in the case of permanent housing, a*
15 *unit, facility, or shelter located in a jurisdiction*
16 *which has in effect laws, regulations, standards,*
17 *or codes regarding habitability of such housing,*
18 *units, facilities, or shelters that provide protec-*
19 *tion to residents of the dwellings that is equal to*
20 *or greater than the protection provided under the*
21 *housing quality standards established under*
22 *paragraph (3), such applicable laws, regulations,*
23 *standards, or codes; or*

24 “(B) *in the case of permanent housing, a*
25 *unit, facility, or shelter located in a jurisdiction*

1 *which does not have in effect laws, regulations,*
2 *standards, or codes described in subparagraph*
3 *(A), the housing quality standards established*
4 *under paragraph (3).*

5 “(3) *FEDERAL HOUSING QUALITY STANDARDS.—*
6 *The Secretary shall establish housing quality stand-*
7 *ards under this paragraph that ensure that perma-*
8 *nent housing, dwelling units, supportive housing fa-*
9 *ilities, and emergency shelters assisted under this*
10 *title are safe, clean, and healthy. Such standards shall*
11 *include requirements relating to habitability, includ-*
12 *ing maintenance, health and sanitation factors, con-*
13 *dition, and construction of dwellings. The Secretary*
14 *shall differentiate between major and minor viola-*
15 *tions of such standards and may establish separate*
16 *standards for permanent housing, dwelling units,*
17 *supportive housing facilities, and emergency shelters.*

18 “(i) *TERMINATION OF ASSISTANCE.—If a person or*
19 *family (not including residents of an emergency shelter)*
20 *who receives assistance under this title violates program re-*
21 *quirements, the project sponsor may terminate assistance*
22 *in accordance with a formal process established by such*
23 *sponsor that recognizes the rights of individuals receiving*
24 *such assistance to due process of law, which may include*
25 *a hearing.*

1 “(j) *USE RESTRICTIONS.*—

2 “(1) *ACQUISITION, REHABILITATION, AND NEW*
3 *CONSTRUCTION.*—

4 “(A) *IN GENERAL.*—*Except as provided in*
5 *subparagraph (B), each housing facility assisted*
6 *under subtitle B or subtitle C shall be operated*
7 *as housing for the purpose specified in the appli-*
8 *cation for assistance with amounts under this*
9 *title for not less than 20 years after such facility*
10 *is initially placed in service pursuant to such*
11 *assistance.*

12 “(B) *EXCEPTIONS.*—

13 “(i) *INABILITY TO OPERATE FACILITY.*—
14 *If, within such 20-year period, the need for*
15 *maintaining the facility as housing for the*
16 *purpose specified in the application for as-*
17 *sistance ceases to exist (as determined by*
18 *the Secretary pursuant to a recommenda-*
19 *tion by the chief executive officer of the ap-*
20 *propriate unit of general local government*
21 *or project sponsor, taking into consideration*
22 *the comprehensive housing affordability*
23 *strategy of the jurisdiction), or the project*
24 *sponsor is unable to operate the facility as*
25 *supportive housing, the facility may be used*

1 *as affordable housing (in accordance with*
2 *section 215 of the Cranston-Gonzalez Na-*
3 *tional Affordable Housing Act).*

4 “(i) *APPLICABILITY OF OTHER PRO-*
5 *GRAM RESTRICTION.—If the housing facility*
6 *receives assistance under any other Federal*
7 *program (including assistance under section*
8 *42 of the Internal Revenue Code of 1986)*
9 *for low-income families, homeless person, or*
10 *any other use consistent with assistance*
11 *under this title, and the use restriction*
12 *under such program is less than 20 years,*
13 *the restriction under such program shall*
14 *apply.*

15 “(2) *OTHER ASSISTANCE.—Each housing facility*
16 *assisted under subtitle C shall be operated for the pur-*
17 *poses specified in the application for assistance with*
18 *amounts under this title for the duration of the period*
19 *covered by the grant.*

20 “(3) *CONVERSION.—Notwithstanding paragraphs*
21 *(1) and (2), if the Secretary determines that a hous-*
22 *ing facility is no longer needed for use as housing for*
23 *the purposes specified in the application for assist-*
24 *ance and approves the use of the facility for the direct*
25 *benefit of low-income persons pursuant to a request*

1 *for such use by the project sponsor, the Secretary may*
2 *authorize the sponsor to convert the facility to such*
3 *use.*

4 “(k) *REPAYMENT OF ASSISTANCE AND PREVENTION OF*
5 *UNDUE BENEFITS.—*

6 “(1) *REPAYMENT.—If a facility assisted under*
7 *subtitle B or subtitle C violates the requirement under*
8 *subsection (j)(1)(A) or (j)(1)(B)(ii) of this section*
9 *during the 10-year period beginning upon placement*
10 *of the facility in service pursuant to such assistance,*
11 *the Secretary shall require the grantee to repay to the*
12 *Secretary 100 percent of any grant amounts received*
13 *for such facility under such paragraph. If such a fa-*
14 *ility violates such requirement after such 10-year pe-*
15 *riod, the Secretary shall require the grantee to repay*
16 *the percentage of any grant amounts received for such*
17 *facility that is equal to 100 percent minus 10 per-*
18 *centage points for each year in excess of 10 that the*
19 *facility is operated as supportive housing.*

20 “(2) *PREVENTION OF UNDUE BENEFITS.—Except*
21 *as provided in paragraph (3), upon any sale or other*
22 *disposition of a facility assisted under subtitle B or*
23 *C occurring before the expiration of the 20-year pe-*
24 *riod beginning on the date that the facility is placed*
25 *in service, the project sponsor shall comply with such*

1 *terms and conditions as the Secretary may prescribe*
2 *to prevent the sponsor from unduly benefiting from*
3 *such sale or disposition.*

4 “(3) *EXCEPTION.—Paragraphs (1) and (2) shall*
5 *not apply to any sale or disposition of a facility that*
6 *results in the use of the facility for the direct benefit*
7 *of very low-income families if all of the proceeds are*
8 *used to provide housing meeting the requirements of*
9 *subtitle B or C.*

10 “(4) *FAILURE TO OBTAIN SITE.—If a grantee of*
11 *assistance made available for use under this title obli-*
12 *gates assistance for a housing facility other than a fa-*
13 *cility under section 421(a)(3) or housing that will*
14 *eventually be owned or controlled by the families and*
15 *individuals served, and the project sponsor fails to ob-*
16 *tain ownership or control of a suitable site for a pro-*
17 *posed supportive housing facility during the 12-month*
18 *period beginning upon the notification of an award*
19 *of grant assistance, the grantee shall recapture the as-*
20 *sistance and make such assistance available under*
21 *this subtitle.*

22 “(l) *LOCAL BOARDS.—*

23 “(1) *ESTABLISHMENT AND FUNCTION.—The head*
24 *of the executive branch of government of each grantee*

1 *shall establish and appoint members to a local board,*
2 *which shall assist the jurisdiction in—*

3 “(A) *determining whether the grant should*
4 *be administered by the jurisdiction, a public*
5 *agency, a private nonprofit organization, the*
6 *State, or the Secretary;*

7 “(B) *developing the application under sec-*
8 *tion 408;*

9 “(C) *overseeing the activities carried out*
10 *with assistance under this title; and*

11 “(D) *preparing the performance report*
12 *under section 431.*

13 “(2) *COMPOSITION OF LOCAL BOARDS.—*

14 “(A) *NOMINATION.—Members of a local*
15 *board appointed to meet the requirements of sub-*
16 *paragraph (D) shall be nominated by persons,*
17 *other than governmental officials or entities, that*
18 *represent the groups listed in subparagraph (D).*

19 “(B) *PRIORITY.—Persons who will improve*
20 *access to a broad range of services for homeless*
21 *persons and who are sensitive to the varying*
22 *needs of homeless persons, including veterans, the*
23 *mentally ill, families with children, young per-*
24 *sons, battered spouses, victims of substance*

1 *abuse, and persons with AIDS, shall be given*
2 *preference when selecting local board members.*

3 “(C) *COMMUNITY SUPPORT CONSIDERED.—*
4 *In appointing members to the local board, the*
5 *chief executive of each grantee shall consider the*
6 *extent of support for the nominee in the commu-*
7 *nity which the board shall serve.*

8 “(D) *MAJORITY.—Not less than 51 percent*
9 *of the members of a local board shall be composed*
10 *of—*

11 “(i) *homeless or formerly homeless per-*
12 *sons;*

13 “(ii) *persons who act as advocates for*
14 *homeless persons; and*

15 “(iii) *persons who provide assistance*
16 *to homeless persons, including representa-*
17 *tives of local veterans organizations and*
18 *veteran service providers who assist home-*
19 *less veterans.*

20 “(E) *OTHER LOCAL BOARD MEMBERS.—*
21 *After the requirements of subparagraph (D) are*
22 *met, other members of a local board shall be cho-*
23 *sen from—*

24 “(i) *members of the business commu-*
25 *nity of the jurisdiction receiving the grant;*

1 “(ii) members of neighborhood advo-
2 cates in the jurisdiction receiving the grant;
3 and

4 “(iii) government officials of the juris-
5 diction receiving the grant.

6 “(3) WAIVER OF REQUIREMENTS FOR LOCAL
7 BOARD.—The Secretary may waive the requirements
8 of this subsection if the jurisdiction has an existing
9 board that substantially meets the requirements of
10 this subsection.

11 “(m) COORDINATION OF HOMELESS PROGRAMS.—

12 “(1) PURPOSE.—The purpose of the consultation
13 and coordination required under this subsection is to
14 provide various services, activities, and assistance for
15 homeless persons and families in an efficient, effec-
16 tive, and targeted manner designed to meet the com-
17 prehensive needs of the homeless.

18 “(2) IN GENERAL.—The Chairperson of the
19 Interagency Council on the Homeless shall consult
20 and coordinate with the Secretary of Housing and
21 Urban Development, the Secretary of Health and
22 Human Services, the Secretary of Labor, the Sec-
23 retary of Education, the Secretary of Veterans Affairs,
24 and the Secretary of Agriculture and shall ensure that
25 assistance for federally funded activities for the home-

1 less is made available, to the greatest extent prac-
2 ticable, in conjunction and coordination with assist-
3 ance for other federally funded activities for the home-
4 less and with assistance under this title.

5 “(3) *REQUIREMENTS FOR HOUSING ASSIST-*
6 *ANCE.—The Secretary shall establish such require-*
7 *ments as the Secretary considers necessary to ensure*
8 *that grant amounts provided under this title are used*
9 *by grantees and project sponsors, to the greatest extent*
10 *practicable, in coordination and in conjunction with*
11 *federally funded activities for the homeless.*

12 “(4) *DEFINITION.—For purposes of this sub-*
13 *section, the term ‘federally funded activities for the*
14 *homeless’ means activities to assist homeless persons,*
15 *including homeless veterans, or homeless families that*
16 *are funded (in whole or in part) with amounts pro-*
17 *vided by the Federal Government (other than amounts*
18 *provided under this title) and includes—*

19 “(A) *the programs for health care under sec-*
20 *tions 340 and part C of title V of the Public*
21 *Health Service Act;*

22 “(B) *the programs for education, training*
23 *and community services under title VII of the*
24 *Stewart B. McKinney Homeless Assistance Act;*

1 “(C) food assistance for homeless persons
2 and families through the food programs under
3 the Food Stamp Act of 1977 and the Emergency
4 Food Assistance Act of 1983;

5 “(D) the job training, housing, and medical
6 programs for homeless veterans of the Depart-
7 ment of Veterans Affairs;

8 “(E) the job corps centers for homeless fami-
9 lies program under section 433A of the Job
10 Training Partnership Act;

11 “(F) the program for preventive services for
12 children of homeless families or families at risk
13 of homelessness under title III of the Child Abuse
14 Prevention and Treatment Act;

15 “(G) the programs under the Runaway and
16 Homeless Youth Act; and

17 “(H) assistance for homeless persons, in-
18 cluding homeless veterans, and families under
19 State programs funded under supplemental secu-
20 rity income programs under part A of title IV
21 or under title XVI of the Social Security Act.

22 “(5) COMPANION SERVICES BLOCK GRANTS IN
23 CASES OF FAILURE TO COMPLY.—

24 “(A) IN GENERAL.—If, for any fiscal year,
25 the Chairperson of the Interagency Council on

1 *the Homeless determines that adequate coordina-*
2 *tion has not taken place to ensure that assistance*
3 *for federally funded activities for the homeless is*
4 *made available in conjunction and coordination*
5 *with assistance under this title (as required*
6 *under paragraph (2)), the Chairperson of the*
7 *Interagency Council on the Homeless and the*
8 *Secretary, in consultation with the Interagency*
9 *Council on the Homeless, shall carry out a pro-*
10 *gram under subparagraph (B) to make compan-*
11 *ion services block grants available for such fiscal*
12 *year.*

13 “(B) COMPANION SERVICE BLOCK
14 GRANTS.—*The block grant program under this*
15 *subparagraph shall provide block grants, using*
16 *amounts available pursuant to subparagraph*
17 *(C), to eligible grantees under this title to pro-*
18 *vide services of the type available under the pro-*
19 *grams referred to in paragraph (4) in connection*
20 *with housing assistance under this title.*

21 “(C) FUNDING.—

22 “(i) IN GENERAL.—*Notwithstanding*
23 *any other provision of law, in any fiscal*
24 *year in which block grants are to be pro-*
25 *vided in accordance with subparagraph (A),*

1 *there shall be available for such block*
2 *grants, of the amount made available for*
3 *such fiscal year for each activity referred to*
4 *in paragraph (4), 10 percent of such*
5 *amount, as determined by the Secretary*
6 *and the Interagency Council on the Home-*
7 *less.*

8 “(ii) *LIMITATION.—Notwithstanding*
9 *clause (i), the aggregate amount available*
10 *for companion services block grants under*
11 *this paragraph for a fiscal year shall not*
12 *exceed the total amount made available pur-*
13 *suant to section 435 for housing assistance*
14 *under this title. If, for any fiscal year, the*
15 *amount determined under clause (i) exceeds*
16 *such amount, the Secretary shall reduce the*
17 *percentage under clause (i) for such year so*
18 *that the aggregate amount made available*
19 *for companion services block grants under*
20 *this paragraph from the amounts for each*
21 *activity referred to in paragraph (4) is*
22 *equal to the total amount made available*
23 *pursuant to section 435 for housing assist-*
24 *ance under this title.*

1 “(D) *TRANSFER AUTHORITY.*—*Except to the*
2 *extent that the authority of the Secretary and the*
3 *Chairperson of the Interagency Council on the*
4 *Homeless is limited by appropriations, and with*
5 *the concurrence of the head of the affected agency*
6 *and upon advance approval of the Committees*
7 *on Appropriations and the authorizing commit-*
8 *tees of the House of Representatives, and the*
9 *Senate, the Secretary and the Chairperson of the*
10 *Interagency Council on the Homeless shall trans-*
11 *fer funds made available under subparagraph*
12 *(C) to the companion services block grant for fed-*
13 *erally funded activities, functions, or programs*
14 *for the homeless.*

15 “(E) *REPORT.*—*Not later than the first*
16 *quarter of the first full fiscal year after the date*
17 *of the enactment of the Homeless Housing Pro-*
18 *grams Consolidation and Flexibility Act and*
19 *each quarter thereafter, the Secretary and the*
20 *Chairperson of the Interagency Council on the*
21 *Homeless shall report to Congress on—*

22 “(i) *the need for any reprogramming*
23 *or transfer of funds appropriated for feder-*
24 *ally funded activities, functions, or pro-*
25 *grams for the homeless; and*

1 “(ii) any funds appropriated for feder-
2 ally funded activities, functions, or pro-
3 grams for the homeless that were repro-
4 grammed or transferred during the quarter
5 covered by the report.

6 “(n) *CONSULTATION REGARDING USE OF NATIONAL*
7 *GUARD FACILITIES AS HOMELESS SHELTERS.*—The Sec-
8 *retary may not provide a grant for a fiscal year from*
9 *amounts for such year allocated under section 406(c) for*
10 *use under subtitle C for a State unless the State has, con-*
11 *sulted with the Secretary regarding the possibility of mak-*
12 *ing any space at National Guard facilities under the juris-*
13 *diction of the State available, during such fiscal year, for*
14 *use by homeless organizations to provide shelter to homeless*
15 *persons, but only at the times that such space is not actively*
16 *being used for National Guard purposes or other public*
17 *purposes already undertaken.*

18 **“SEC. 409. SUPPORTIVE SERVICES.**

19 “(a) *REQUIREMENT.*—To the extent allowed by this
20 *title, each project sponsor administering permanent housing*
21 *development assistance provided with amounts under this*
22 *title or a supportive housing facility or emergency shelter*
23 *assisted with such amounts shall provide supportive services*
24 *for residents of the dwelling units or facility or shelter as-*
25 *sisted. The array of supportive services provided may be*

1 *designed by the grantee or the project sponsor administering*
2 *the assistance, facility, or shelter. A project sponsor admin-*
3 *istering a supportive housing facility shall provide support-*
4 *ive services for other homeless persons using the facility.*

5 “(b) *TARGETING POPULATIONS WITH SPECIAL*
6 *NEEDS.—Supportive services provided with grant amounts*
7 *under this title shall address the special needs of homeless*
8 *persons (such as homeless persons with disabilities, homeless*
9 *persons with acquired immunodeficiency syndrome and re-*
10 *lated diseases, homeless persons who have chronic problems*
11 *with alcohol or drugs (or both), veterans who are homeless,*
12 *and homeless families with children) intended to be served.*

13 “(c) *SERVICES.—Supportive services may include ac-*
14 *tivities such as—*

15 “(1) *establishing and operating a child care serv-*
16 *ices program for homeless families;*

17 “(2) *establishing and operating an employment*
18 *assistance program;*

19 “(3) *providing outpatient health services, food,*
20 *and case management;*

21 “(4) *providing assistance in obtaining perma-*
22 *nent housing, employment counseling, and nutritional*
23 *counseling;*

24 “(5) *providing security arrangements necessary*
25 *for the protection of residents of supportive housing or*

1 *to discrimination under any program or activity funded*
2 *in whole or in part with funds made available under this*
3 *subtitle. Any prohibition against discrimination on the*
4 *basis of age under the Age Discrimination Act of 1975 or*
5 *with respect to an otherwise qualified handicapped individ-*
6 *ual, as provided in section 504 of the Rehabilitation Act*
7 *of 1973, shall also apply to any such program or activity.*

8 **“Subtitle B—Permanent Housing**
9 **Development Activities**

10 **“SEC. 411. USE OF AMOUNTS AND GENERAL REQUIRE-**
11 **MENTS.**

12 **“(a) USE OF AMOUNTS FOR PERMANENT HOUSING**
13 **DEVELOPMENT.—**

14 **“(1) AUTHORIZED USE.—***A State, metropolitan*
15 *city, or urban county that receives a grant under sec-*
16 *tion 402(b)(2) from amounts allocated for use under*
17 *this subtitle may use grant amounts (and any supple-*
18 *mental amounts provided under section 407) only to*
19 *carry out permanent housing development activities*
20 *within such State, metropolitan city, or urban coun-*
21 *ty. For purposes of this subtitle, the term ‘permanent*
22 *housing development activities’ means activities to*
23 *construct, substantially rehabilitate, or acquire struc-*
24 *tures to provide permanent housing, including the*
25 *capitalization of a dedicated project account from*

1 *which long-term assistance payments (which may in-*
2 *clude operating costs or rental assistance) can be*
3 *made in order to facilitate such activities, and activi-*
4 *ties under section 441 of the Stewart B. McKinney*
5 *Homeless Assistance Act, as in effect on October 31,*
6 *1997 (subject to the limitation in section 406(b)(3) of*
7 *this Act).*

8 “(2) *USE FOR SUPPORTIVE SERVICES PROHIB-*
9 *ITED.—Amounts allocated for use under this subtitle*
10 *may not be used for supportive services activities.*

11 “(b) *USE THROUGH NONPROFIT ORGANIZATIONS.—*

12 “(1) *IN GENERAL.—A grantee that receives grant*
13 *amounts for a fiscal year for use under this subtitle*
14 *may, pursuant to section 404, provide such amounts*
15 *to units of general local government and private non-*
16 *profit organizations for use in accordance with this*
17 *subtitle, except that the grantee shall ensure that more*
18 *than 50 percent of the amounts received by the grant-*
19 *ee for the fiscal year are used through private non-*
20 *profit organizations.*

21 “(2) *WAIVER OF USE OF NONPROFIT REQUIRE-*
22 *MENT.—The Secretary may waive the requirement*
23 *under paragraph (1) that a grantee ensure that more*
24 *than 50 percent of the amounts received by the grant-*
25 *ee for the fiscal year are used through private non-*

1 *profit organizations if the Secretary determines that*
2 *there are not sufficient private nonprofit organiza-*
3 *tions available to the grantee to meet that require-*
4 *ment.*

5 “(c) *ADMINISTRATIVE FEE.*—*To the extent provided in*
6 *section 408(g), grant amounts provided under this subtitle*
7 *may be used by the project sponsor providing such assist-*
8 *ance for costs of administering such assistance.*

9 “(d) *TARGETING POPULATIONS WITH SPECIAL*
10 *NEEDS.*—*To the maximum extent practicable, a grantee*
11 *shall provide for use of grant amounts made available*
12 *under this subtitle in a manner that provides permanent*
13 *housing for homeless persons with disabilities, homeless per-*
14 *sons with acquired immunodeficiency syndrome or related*
15 *diseases, homeless persons who have chronic problems with*
16 *alcohol or drugs (or both), homeless families with children,*
17 *and veterans who are homeless.*

18 **“SEC. 412. PERMANENT HOUSING DEVELOPMENT.**

19 “(a) *IN GENERAL.*—*Housing shall be considered per-*
20 *manent housing for purposes of this title if the housing—*

21 “(1) *provides long-term housing for homeless per-*
22 *sons;*

23 “(2) *complies with any applicable State and*
24 *local housing codes, licensing requirements, or other*
25 *requirement in the jurisdiction in which the housing*

1 *is located, including any applicable State or local re-*
2 *quirements regarding the number of occupants in*
3 *such a facility; and*

4 *“(3) complies with the requirement under section*
5 *409(a) regarding providing supportive services for*
6 *homeless persons.*

7 *“(b) CLARIFICATION.—Permanent housing may—*

8 *“(1) be restricted for occupancy by homeless per-*
9 *sons with disabilities;*

10 *“(2) consist of or contain full dwelling units or*
11 *dwelling units that do not contain bathrooms or*
12 *kitchen facilities; and*

13 *“(3) be provided in the form of rental housing,*
14 *cooperative housing, shared living arrangements, sin-*
15 *gle family housing, or other types of housing arrange-*
16 *ments.*

17 **“Subtitle C—Flexible Block Grant**
18 **Homeless Assistance**

19 **“SEC. 421. ELIGIBLE ACTIVITIES.**

20 *“(a) IN GENERAL.—Grant amounts allocated for use*
21 *under this subtitle may be used only for carrying out the*
22 *following activities:*

23 *“(1) ACQUISITION AND REHABILITATION OF SUP-*
24 *PORTIVE HOUSING.—For acquisition or rehabilitation*
25 *of an existing structure (including a small commer-*

1 *cial property or office space) to provide supportive*
2 *housing other than emergency shelter or to provide*
3 *supportive services; the repayment of any outstanding*
4 *debt owed on a loan made to purchase an existing*
5 *structure for use as supportive housing shall be con-*
6 *sidered to be a cost of acquisition under this para-*
7 *graph if the structure was not used as supportive*
8 *housing or to provide supportive services, before as-*
9 *stance is provided using grant amounts.*

10 “(2) *NEW CONSTRUCTION OF SUPPORTIVE HOUS-*
11 *ING.—For new construction of a structure to be used*
12 *as supportive housing.*

13 “(3) *LEASING OF SUPPORTIVE HOUSING.—For*
14 *leasing of an existing structure or structures, or por-*
15 *tions thereof, to provide supportive housing or sup-*
16 *portive services during the period covered by the ap-*
17 *plication.*

18 “(4) *OPERATING COSTS FOR SUPPORTIVE HOUS-*
19 *ING.—For covering operating costs of supportive*
20 *housing (which shall include capital costs for utiliz-*
21 *ing any interactive computer or telephone services*
22 *and other electronic information networks and sys-*
23 *tems appropriate for assisting homeless families); ex-*
24 *cept that grant amounts provided under this subtitle*

1 *may not be used to cover more than 75 percent of*
2 *the annual operating costs of such housing.*

3 “(5) *HOMELESSNESS PREVENTION.*—

4 “(A) *IN GENERAL.*—*For activities designed*
5 *to help persons (including veterans who are at*
6 *risk of becoming homeless, and families avoid be-*
7 *coming homeless), which shall include assistance*
8 *for making mortgage payments, rental payments,*
9 *and utility payments and any activities other*
10 *than those found by the Secretary to be inconsis-*
11 *ent with the purposes of this Act.*

12 “(B) *PERSONS ELIGIBLE FOR ASSIST-*
13 *ANCE.*—*Assistance under this paragraph may be*
14 *provided only to very low-income families who*
15 *have received eviction (or mortgage delinquency*
16 *or foreclosure) notices or notices of termination*
17 *of utility services and who—*

18 “(i) *are unable to make the required*
19 *payments due to a sudden reduction in in-*
20 *come;*

21 “(ii) *need such assistance to avoid*
22 *homelessness due to the eviction or termi-*
23 *nation of services; and*

1 “(iii) have a reasonable prospect of
2 being able to resume payments within a
3 reasonable period of time.

4 “(C) *LIMITATION.*—Assistance under this
5 paragraph may be provided only if such assist-
6 ance will not supplant funding for preexisting
7 homelessness prevention activities from other
8 services.

9 “(6) *PERMANENT HOUSING DEVELOPMENT AC-*
10 *TIVITIES.*—For providing permanent housing develop-
11 ment activities as described in subtitle B.

12 “(7) *EMERGENCY SHELTER.*—For—

13 “(A) renovation, major rehabilitation, or
14 conversion of a building or buildings to be used
15 as emergency shelters;

16 “(B) covering costs of supportive services in
17 connection with an emergency shelter, if such
18 services do not supplant any services provided by
19 the local government during any part of the 12-
20 month period ending on the date of the com-
21 mencement of the operation of the emergency
22 shelter; and

23 “(C) covering costs relating to maintenance,
24 operation, insurance, utilities, and furnishings
25 for emergency shelters.

1 *such fiscal year are used for carrying out eligible activities*
2 *under section 421 through project sponsors that are private*
3 *nonprofit organizations.*

4 “(b) *WAIVER.—The Secretary may waive the require-*
5 *ment under subsection (a) that a grantee ensure that more*
6 *than 50 percent of the amounts received by the grantee for*
7 *the fiscal year are used through private nonprofit organiza-*
8 *tions if the Secretary determines that there are not suffi-*
9 *cient private nonprofit organizations available to the grant-*
10 *ee to meet that requirement.*

11 **“SEC. 423. SUPPORTIVE HOUSING.**

12 “(a) *IN GENERAL.—Housing shall be considered sup-*
13 *portive housing for purposes of this subtitle if—*

14 “(1) *the housing complies with the requirement*
15 *under section 409(a) regarding providing supportive*
16 *services for homeless persons;*

17 “(2) *the housing complies with any applicable*
18 *State and local housing codes and licensing require-*
19 *ments in the jurisdiction in which the housing is lo-*
20 *cated; and*

21 “(3) *the housing—*

22 “(A) *is transitional housing; or*

23 “(B) *is permanent supportive housing as*
24 *described in section 412.*

1 “(b) *TRANSITIONAL HOUSING.*—*For purposes of this*
2 *section, the term ‘transitional housing’ means housing, the*
3 *purpose of which is to facilitate the movement of homeless*
4 *persons and families to permanent housing within 24*
5 *months or such longer period as the Secretary determines*
6 *necessary. Assistance may be denied for housing based on*
7 *a violation of this subsection only if a substantial number*
8 *of homeless persons or families have remained in the hous-*
9 *ing longer than such period.*

10 “(c) *SINGLE ROOM OCCUPANCY DWELLINGS.*—*For*
11 *purposes of this section, a facility may provide supportive*
12 *housing or supportive services in dwelling units that do not*
13 *contain bathrooms or kitchen facilities and are appropriate*
14 *for use as supportive housing or in facilities containing*
15 *some or all such dwelling units.*

16 “(d) *SAFE HAVEN HOUSING.*—*For purposes of this*
17 *section, supportive housing may be a structure or a clearly*
18 *identifiable portion of a structure that—*

19 “(A) *provides housing and low-demand*
20 *services and referrals for homeless individual*
21 *with serious mental illness—*

22 “(i) *who are currently residing pri-*
23 *marily in places not designed for, or ordi-*
24 *narily used as, a regular sleeping accommo-*
25 *modation for human beings; and*

1 “(ii) who have been unwilling or un-
2 able to participate in mental health or sub-
3 stance abuse treatment programs or to re-
4 ceive other supportive services; except that a
5 person whose sole impairment is substance
6 abuse shall not be considered an eligible
7 person;

8 “(B) provides 24-hour residence for eligible
9 individuals who may reside for an unspecified
10 duration;

11 “(C) provides private or semi-private ac-
12 commodations;

13 “(D) may provide for the common use of
14 kitchen facilities, dining rooms, and bathrooms;

15 “(E) may provide supportive services to eli-
16 gible persons who are not residents on a drop-in
17 basis; and

18 “(F) provides occupancy limited to no more
19 than 25 persons.

20 **“SEC. 424. EMERGENCY SHELTER.**

21 “(a) *IN GENERAL.*—A facility shall be considered
22 emergency shelter for purposes of this subtitle if the facility
23 is designed to provide overnight sleeping accommodations
24 for homeless persons and complies with the requirements

1 *under this section. An emergency shelter may include ap-*
2 *propriate eating and cooking accommodations.*

3 “(b) *REQUIREMENTS.*—*Grant amounts under this sub-*
4 *title may be used for eligible activities under section*
5 *421(a)(7) relating to emergency shelter only if—*

6 “(1) *the Secretary determines that—*

7 “(A) *use of such amounts is necessary to*
8 *meet the emergency shelter needs of the jurisdic-*
9 *tion in which the facility is located; and*

10 “(B) *the use of such amounts for such ac-*
11 *tivities will not violate the prohibition under sec-*
12 *tion 408(f); and*

13 “(2) *the project sponsor agrees that it will—*

14 “(A) *in the case of assistance involving*
15 *major rehabilitation or conversion of a building,*
16 *maintain the building as a shelter for homeless*
17 *persons and families for not less than a 10-year*
18 *period unless, within such 10-year period, the*
19 *need for maintaining the building as a full-time*
20 *shelter ceases to exist and the building is used for*
21 *the remainder of such period to carry out other*
22 *eligible activities under this subtitle;*

23 “(B) *in the case of assistance involving re-*
24 *habilitation (other than major rehabilitation or*
25 *conversion of a building), maintain the building*

1 *as a shelter for homeless persons and families for*
2 *not less than a 3-year period;*

3 “(C) *in the case of assistance involving only*
4 *activities described in subparagraphs (B) and*
5 *(C) of section 421(a)(7), provide services or shel-*
6 *ter to homeless persons and families at the origi-*
7 *nal site or structure or other sites or structures*
8 *serving the same general population for the pe-*
9 *riod during which such assistance is provided;*

10 “(D) *comply with the standards of housing*
11 *quality applicable under section 408(h); and*

12 “(E) *assist homeless persons in obtaining—*

13 “(i) *appropriate supportive services,*
14 *including permanent housing, medical and*
15 *mental health treatment (including infor-*
16 *mation and counseling regarding the bene-*
17 *fits and availability of child immuniza-*
18 *tion), counseling, supervision, veterans ben-*
19 *efits, and other services essential for achiev-*
20 *ing independent living; and*

21 “(ii) *other Federal, State, local, and*
22 *private assistance available for homeless*
23 *persons.*

1 **“Subtitle D—Reporting, Definitions,**
2 **and Funding**

3 **“SEC. 431. PERFORMANCE REPORTS BY GRANTEES.**

4 “(a) *REQUIREMENT.*—For each fiscal year, each grant-
5 ee under this title shall review and report, in a form accept-
6 able to the Secretary, on the progress it has made during
7 such fiscal year in carrying out the activities described in
8 the application resulting in such grant and the relationship
9 of such activities to the comprehensive housing affordability
10 strategy under section 105 of the Cranston-Gonzalez Na-
11 tional Affordable Housing Act for the applicable jurisdic-
12 tion.

13 “(b) *CONTENT.*—Each report under this section for a
14 fiscal year shall—

15 “(1) describe the use of grant amounts provided
16 to the grantee for such fiscal year;

17 “(2) to the extent practicable until the develop-
18 ment of a reasonable methodology by the Secretary
19 and the Interagency Council on the Homeless, describe
20 the number of homeless persons and families, includ-
21 ing populations with special needs provided shelter,
22 housing, or assistance using such grant amounts;

23 “(3) assess the relationship of such use to the
24 goals identified pursuant to section 105(b)(2) of the
25 Cranston-Gonzalez National Affordable Housing Act

1 *in the comprehensive housing affordability strategy*
2 *for the applicable jurisdiction;*

3 “(4) *indicate the grantee’s programmatic accom-*
4 *plishments;*

5 “(5) *describe how the grantee would change its*
6 *programs as a result of its experiences; and*

7 “(6) *describe any delays that occurred in the*
8 *start up of programs and the reason for each delay.*

9 “(c) *SUBMISSION.—The Secretary shall establish dates*
10 *for submission of reports under this section and review such*
11 *reports and make such recommendations as the Secretary*
12 *considers appropriate to carry out the purposes of this title.*
13 *The Secretary may withhold or reallocate funds granted to*
14 *a grantee if the Secretary finds that the grantee has com-*
15 *plied with applicable program requirements, but not sub-*
16 *stantially complied with the application that the grantee*
17 *submitted to obtain such funds.*

18 “(d) *PUBLIC AVAILABILITY.—*

19 “(1) *IN GENERAL.—A grantee preparing a report*
20 *under this section shall make the report publicly*
21 *available to the citizens in the jurisdiction of the*
22 *grantee in sufficient time to permit such citizens to*
23 *comment on such report prior to its submission to the*
24 *Secretary, and in such manner and at such times as*
25 *the grantee may determine. The report shall include*

1 *a summary of any such comments received by the*
2 *grantee regarding its program.*

3 “(2) *ELECTRONIC ACCESS.*—*A grantee may com-*
4 *ply with the requirement under paragraph (1) by*
5 *making the report available through interactive com-*
6 *puter or telephone services or other electronic infor-*
7 *mation networks and systems appropriate for making*
8 *such information widely publicly available. The Sec-*
9 *retary shall make each final report submitted under*
10 *this section publicly available through such a com-*
11 *puter, telephone, or information service, network, or*
12 *system.*

13 “(e) *AUTHORITY OF SECRETARY.*—*The Secretary shall*
14 *establish procedures appropriate and practicable for pro-*
15 *viding a fair hearing and timely resolution of citizen com-*
16 *plaints related to performance reports under this section.*

17 **“SEC. 432. ANNUAL REPORT BY SECRETARY.**

18 *“The Secretary shall include in the annual report,*
19 *under section 8 of the Department of Housing and Urban*
20 *Development Act, information summarizing the activities*
21 *carried out under this title and setting forth the findings,*
22 *conclusions, and recommendations of the Secretary as a re-*
23 *sult of the activities. Such information shall be made pub-*
24 *licly available through interactive computer or telephone*
25 *services or other electronic information networks and sys-*

1 *tems appropriate for making such information widely*
2 *available to the public.*

3 **“SEC. 433. DEFINITIONS.**

4 *“For purposes of this title, the following definitions*
5 *shall apply:*

6 *“(1) APPLICANT.—The term ‘applicant’ means*
7 *an eligible grantee that submits an application under*
8 *section 408(a) for a grant under this title.*

9 *“(2) ELIGIBLE GRANTEE.—The term ‘eligible*
10 *grantee’ is defined in section 403.*

11 *“(3) FACILITY.—The term ‘facility’ means a*
12 *structure or structures (or a portion of such structure*
13 *or structures) that are assisted through eligible activi-*
14 *ties under subtitle C with grant amounts under this*
15 *title (or for which the Secretary provides technical as-*
16 *sistance under section 421(a)(9)).*

17 *“(4) GRANTEE.—The term ‘grantee’ means an*
18 *applicant that receives a grant under this title.*

19 *“(5) INSULAR AREA.—The term ‘insular area’*
20 *means each of the Virgin Islands, Guam, American*
21 *Samoa, the Northern Mariana Islands, and any other*
22 *territory or possession of the United States.*

23 *“(6) METROPOLITAN CITY, URBAN COUNTY, AND*
24 *UNIT OF GENERAL LOCAL GOVERNMENT.—The terms*
25 *‘metropolitan city’, ‘urban county’, and ‘unit of gen-*

1 *eral local government’ have the meanings given the*
2 *terms in section 102 of the Housing and Community*
3 *Development Act of 1974.*

4 “(7) *NONENTITLEMENT AREA*.—*The term ‘non-*
5 *entitlement area’ means an area that is not a metro-*
6 *politan city or part of an urban county and does not*
7 *include Indian tribes or insular areas.*

8 “(8) *OPERATING COSTS*.—*The term ‘operating*
9 *costs’ means expenses incurred by a grantee operating*
10 *supportive housing assisted with grant amounts*
11 *under this title, with respect to—*

12 “(A) *the administration, maintenance, re-*
13 *pair, and security of such housing;*

14 “(B) *utilities, fuel, furnishings, and equip-*
15 *ment for such housing; and*

16 “(C) *the conducting of the assessment under*
17 *section 408(b)(2).*

18 “(9) *OUTPATIENT HEALTH SERVICES*.—*The term*
19 *‘outpatient health services’ means outpatient health*
20 *care, outpatient mental health services, outpatient*
21 *substance abuse services, and case management.*

22 “(10) *PERSON WITH DISABILITIES*.—*The term*
23 *‘person with disabilities’ means a person who—*

24 “(A) *has a disability as defined in section*
25 *223 of the Social Security Act;*

1 “(B) is determined to have, pursuant to reg-
2 ulations issued by the Secretary, a physical,
3 mental, or emotional impairment which (i) is
4 expected to be of long-continued and indefinite
5 duration, (ii) substantially impedes an individ-
6 ual’s ability to live independently, and (iii) is of
7 such a nature that such ability could be im-
8 proved by more suitable housing conditions; or

9 “(C) has a developmental disability as de-
10 fined in section 102 of the *Developmental Dis-*
11 *abilities Assistance and Bill of Rights Act.*

12 *Such term shall not exclude persons who have the dis-*
13 *ease of acquired immunodeficiency syndrome or any*
14 *conditions arising from the etiologic agent for ac-*
15 *quired immunodeficiency syndrome.*

16 “(11) *PRIVATE NONPROFIT ORGANIZATION.*—*The*
17 *term ‘private nonprofit organization’ means any pri-*
18 *vate organization that—*

19 “(A) is organized under State or local laws;

20 “(B) has no part of its net earnings inuring
21 to the benefit of any member, founder, contribu-
22 tor, or individual;

23 “(C) complies with standards of financial
24 accountability acceptable to the Secretary; and

1 “(D) has among its purposes significant ac-
2 tivities related to the provision of—

3 “(i) decent housing that is affordable to
4 low-income and moderate-income families;
5 or

6 “(ii) shelter, housing, or services for
7 homeless persons or families or for persons
8 or families at risk of becoming homeless.

9 “(12) *PROJECT SPONSOR*.—The term ‘project
10 sponsor’ means an entity that uses grant amounts
11 under this title to carry out a permanent housing de-
12 velopment program under subtitle B or eligible activi-
13 ties under subtitle C. The term includes a grantee car-
14 rying out such a program or activities.

15 “(13) *SECRETARY*.—The term ‘Secretary’ means
16 the Secretary of Housing and Urban Development.

17 “(14) *STATE*.—The term ‘State’ means each of
18 the several States and the Commonwealth of Puerto
19 Rico.

20 “(15) *SUPPORTIVE HOUSING*.—The term ‘sup-
21 portive housing’ means a facility that meets the re-
22 quirements of section 423.

23 “(16) *SUPPORTIVE SERVICES*.—The term ‘sup-
24 portive services’ means services under section 409.

1 “(17) *VERY LOW-INCOME FAMILIES*.—The term
2 ‘*very low-income families*’ has the same meaning
3 given the term under section 3(b) of the United States
4 *Housing Act of 1937* (or any other subsequent provi-
5 sion of Federal law defining such term for purposes
6 of eligibility for, or rental charges in, public housing).

7 **“SEC. 434. REGULATIONS.**

8 “(a) *ISSUANCE*.—Not later than the expiration of the
9 30-day period beginning upon the date of the enactment
10 of the *Homeless Housing Programs Consolidation and*
11 *Flexibility Act*, the Secretary shall issue interim regulations
12 to carry out this title. The Secretary shall issue final regu-
13 lations to carry out this title after notice and opportunity
14 for public comment regarding the interim regulations in ac-
15 cordance with the procedure under section 553 of title 5,
16 *United States Code*, applicable to substantive rules (not-
17 withstanding subsections (a)(2), (b)(B), and (d)(3) of such
18 section), but not later than the expiration of the 90-day pe-
19 riod beginning upon the date of the enactment of the *Home-*
20 *less Housing Programs Consolidation and Flexibility Act*.

21 “(b) *RULE OF CONSTRUCTION*.—Any failure by the
22 Secretary to issue any regulations under this section shall
23 not affect the effectiveness of any provision of this title pur-
24 suant to section 4(b) of the *Homeless Housing Programs*
25 *Consolidation and Flexibility Act*.

1 **“SEC. 435. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) *IN GENERAL.*—*There are authorized to be appro-*
3 *priated for grants under this title \$1,000,000,000 for each*
4 *of fiscal years 1998, 1999, 2000, 2001, and 2002.*

5 “(b) *PROHIBITION ON SET ASIDES.*—*Notwithstanding*
6 *any other provision of law, any attempt to put any restric-*
7 *tion on the use of funds appropriated for this title (such*
8 *as for use in special projects) shall be considered an appro-*
9 *priation without authorization and shall be without force*
10 *or effect.”.*

11 (b) *APPLICABILITY.*—*The provisions of the amendment*
12 *made by subsection (a) shall apply with respect to fiscal*
13 *year 1998 and each fiscal year thereafter.*

14 **SEC. 6. INTERAGENCY COUNCIL ON THE HOMELESS.**

15 (a) *CHAIRPERSON AND VICE CHAIRPERSON.*—*Section*
16 *202(b) of the Stewart B. McKinney Homeless Assistance Act*
17 *(42 U.S.C. 11312(b) is amended to read as follows:*

18 “(b) *CHAIRPERSON AND VICE CHAIRPERSON.*—

19 “(1) *CHAIRPERSON.*—*The Council shall elect a*
20 *Chairperson from among its members, who shall have*
21 *a term of 2 years. A member of the Council by reason*
22 *of any of paragraphs (1) through (16) of subsection*
23 *(a) who serves as Chairperson for a term may not be*
24 *elected to serve as Chairperson for the succeeding*
25 *term. The preceding sentence shall not apply to any*
26 *member serving as Chairperson on the date of the en-*

1 *actment of the Homeless Housing Programs Consoli-*
2 *dation and Flexibility Act.*

3 “(2) *VICE CHAIRPERSON.*—*The Vice Chairperson*
4 *of the Council shall have a term of 2 years and shall*
5 *be—*

6 “(A) *the Secretary of Housing and Urban*
7 *Development, if such Secretary is not elected as*
8 *the Chairperson of the Council; or*

9 “(B) *elected by the Council from among its*
10 *members, if the Secretary of Housing and Urban*
11 *Development is elected as the Chairperson of the*
12 *Council.*

13 “(3) *Notwithstanding paragraphs (1) and (2),*
14 *the first Chairperson elected after the date of the en-*
15 *actment of the Homeless Housing Programs Consoli-*
16 *dation and Flexibility Act may not be the Secretary*
17 *of Housing and Urban Development.”.*

18 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*Section*
19 *208 of the Stewart B. McKinney Homeless Assistance Act*
20 *(42 U.S.C. 11318) is amended to read as follows:*

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

22 “*Of any amounts made available in any fiscal year*
23 *to carry out this Act, 0.0012 of such amounts shall be avail-*
24 *able to carry out this title.”.*

1 (c) *TERMINATION.*—Section 209 of the Stewart B.
2 *McKinney Homeless Assistance Act* (42 U.S.C. 11319) is
3 amended by striking “October 1, 1994” and inserting “Oc-
4 tober 1, 2002”.

5 (d) *REPEAL.*—Section 210 of the Stewart B. *McKin-*
6 *ney Homeless Assistance Act* (42 U.S.C. 11320) is hereby
7 repealed.

8 **SEC. 7. INVENTORY OF FEDERAL FACILITIES SUITABLE FOR**
9 **OVERNIGHT SHELTER FOR HOMELESS PER-**
10 **SONS.**

11 (a) *IDENTIFICATION.*—Not later than 30 days after the
12 date of the enactment of this Act, the Secretary of Housing
13 and Urban Development shall request, from the head of each
14 executive agency, information that identifies each covered
15 facility (or any parts thereof) under the control of the execu-
16 tive agency that is suitable for use as temporary overnight
17 shelter for homeless persons.

18 (b) *CONSULTATION.*—At the request of the head of any
19 executive agency, the Secretary shall consult with such
20 agency head regarding whether facilities of the agency, or
21 a particular facility or facilities, are covered facilities or
22 are suitable for use as temporary overnight shelter for home-
23 less persons.

24 (c) *COMPILATION AND PUBLICATION.*—Not later than
25 60 days after the date of the enactment of this Act, the Sec-

1 *retary shall compile the information submitted pursuant to*
2 *subsection (a) and cause the compiled information to be*
3 *published in the Federal Register a list of all covered facili-*
4 *ties identified as suitable for use as temporary overnight*
5 *shelter for homeless persons.*

6 (d) *DEFINITIONS.—For purposes of this section, the*
7 *following definitions shall apply:*

8 (1) *COVERED FACILITY.—The term “covered fa-*
9 *cility” means any building, structure, land, or other*
10 *real property that, in the determination of the head*
11 *of the Federal agency having control of the property,*
12 *using standards that shall be established by the Sec-*
13 *retary, reasonably could be made available for the use*
14 *described in subsection (a) without substantial con-*
15 *flict with any other existing, expected, or potential*
16 *use of the property to carry out the mission of the*
17 *agency.*

18 (2) *EXECUTIVE AGENCY.—The term “executive*
19 *agency” has the meaning given such term in section*
20 *105 of title 5, United States Code.*

21 (3) *HOMELESS PERSON.—The term “homeless*
22 *person” has the meaning given such term in section*
23 *102 of the Stewart B. McKinney Homeless Assistance*
24 *Act (42 U.S.C. 11302).*

1 (4) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of Housing and Urban Development.*

3 **SEC. 8. REPEALS AND CONFORMING AMENDMENTS.**

4 (a) *REPEALS.*—*The following provisions of law are*
5 *hereby repealed:*

6 (1) *INNOVATIVE HOMELESS INITIATIVES DEM-*
7 *ONSTRATION.*—*Section 2 of the HUD Demonstration*
8 *Act of 1993 (42 U.S.C. 11301 note).*

9 (2) *FHA SINGLE FAMILY PROPERTY DISPOSITION*
10 *FOR HOMELESS USE.*—*Section 1407 of the Housing*
11 *and Community Development Act of 1992 (Public*
12 *Law 102–550; 106 Stat. 4034).*

13 (3) *HOUSING FOR RURAL HOMELESS AND MI-*
14 *GRANT FARMWORKERS.*—*Subsection (k) of section 516*
15 *of the Housing Act of 1949 (42 U.S.C. 1486(k)).*

16 (b) *TERMINATION OF SRO ASSISTANCE PROGRAM.*—
17 *Section 8(e)(2) of the United States Housing Act of 1937*
18 *shall not be in effect on or after the date of the enactment*
19 *of this Act as provided in subsections (a)(4) and (b)(2) of*
20 *section 289 of the Cranston-Gonzalez National Affordable*
21 *Housing Act (42 U.S.C. 12839).*

22 (c) *CONFORMING AMENDMENTS TO YOUTHBUILD PRO-*
23 *GRAM.*—*Title IV of the Cranston-Gonzalez National Afford-*
24 *able Housing Act is amended—*

1 (1) in section 455(b) (42 U.S.C. 12899d(b)) by
2 inserting “subtitle C of” before “title IV”; and

3 (2) in section 457(4) (42 U.S.C. 12899f(4)), by
4 striking “section 103” and inserting “section 102”.

5 (d) CLERICAL AMENDMENT.—The table of contents in
6 section 101(b) of the Stewart B. McKinney Homeless Assist-
7 ance Act is amended by striking the items relating to titles
8 I, II, III, and IV (including the items relating to the sub-
9 titles, parts, and sections of such titles) and inserting the
10 following new items:

“TITLE I—GENERAL PROVISIONS

- “Sec. 101. Short title and table of contents.
- “Sec. 102. General definition of homeless individual.
- “Sec. 103. Funding availability and limitations.
- “Sec. 104. Annual program summary by Comptroller General.

“TITLE II—INTERAGENCY COUNCIL ON THE HOMELESS

- “Sec. 201. Establishment.
- “Sec. 202. Membership.
- “Sec. 203. Functions.
- “Sec. 204. Director and staff.
- “Sec. 205. Powers.
- “Sec. 206. Transfer of functions.
- “Sec. 207. Definitions.
- “Sec. 208. Authorization of appropriations.
- “Sec. 209. Termination.

“TITLE III—FEDERAL EMERGENCY MANAGEMENT FOOD AND
SHELTER PROGRAM

“Subtitle A—Administrative Provisions

- “Sec. 301. Emergency Food and Shelter Program National Board.
- “Sec. 302. Local boards.
- “Sec. 303. Role of Federal Emergency Management Agency.
- “Sec. 304. Records and audit of National Board and grantees of assistance.
- “Sec. 305. Annual report.

“Subtitle B—Emergency Food and Shelter Grants

- “Sec. 311. Grants by the Director.
- “Sec. 312. Retention of interest earned.
- “Sec. 313. Purposes of grants.

“Sec. 314. *Limitation on certain costs.*

“Sec. 315. *Disbursement of funds.*

“Sec. 316. *Program guidelines.*

“Subtitle C—General Provisions

“Sec. 321. *Definitions.*

“Sec. 322. *Authorization of appropriations.*

“TITLE IV—PERMANENT HOUSING DEVELOPMENT AND FLEXIBLE
BLOCK GRANT HOMELESS ASSISTANCE PROGRAM

“Subtitle A—General Provisions

“Sec. 401. *Purpose; performance measures.*

“Sec. 402. *Grant authority.*

“Sec. 403. *Eligible grantees.*

“Sec. 404. *Use of project sponsors.*

“Sec. 405. *Comprehensive housing affordability strategy compliance.*

“Sec. 406. *Allocation and availability of amounts.*

“Sec. 407. *Matching funds requirement.*

“Sec. 408. *Program requirements.*

“Sec. 409. *Supportive services.*

“Sec. 410. *Nondiscrimination in programs and activities.*

“Subtitle B—Permanent Housing Development Activities

“Sec. 411. *Use of amounts and general requirements.*

“Sec. 412. *Permanent housing development.*

“Subtitle C—Flexible Block Grant Homeless Assistance

“Sec. 421. *Eligible activities.*

“Sec. 422. *Use of amounts through private nonprofit providers.*

“Sec. 423. *Supportive housing.*

“Sec. 424. *Emergency shelter.*

“Subtitle D—Reporting, Definitions, and Funding

“Sec. 431. *Performance reports by grantees.*

“Sec. 432. *Annual report by Secretary.*

“Sec. 433. *Definitions.*

“Sec. 434. *Regulations.*

“Sec. 435. *Authorization of appropriations.*”.

1 SEC. 9. SAVINGS PROVISION.

2 *Nothing in this Act may be construed to affect the va-*
3 *lidity of any right, duty, or obligation of the United States*
4 *or other person arising under or pursuant to any commit-*
5 *ment or agreement entered into before the date of the enact-*

1 *ment of this Act under any provision of law repealed or*
2 *amended by this Act.*

3 **SEC. 10. TREATMENT OF PREVIOUSLY OBLIGATED**
4 **AMOUNTS.**

5 *Notwithstanding the amendment or repeal of any pro-*
6 *vision of law by this Act, any amounts appropriated to*
7 *carry out the provisions so amended or repealed that are*
8 *obligated before the date of the enactment of this Act shall*
9 *be used in the manner provided, and subject to any require-*
10 *ments and agreements entered into, under such provisions*
11 *as such provisions were in effect immediately before such*
12 *date of enactment.*