

110TH CONGRESS  
2D SESSION

# H. R. 7221

To amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2008

Ms. MOORE of Wisconsin (for herself, Mrs. BIGGERT, Ms. WATERS, Mr. DAVIS of Kentucky, Mr. FRANK of Massachusetts, Mrs. CAPITO, and Mr. CARSON) introduced the following bill; which was referred to the Committee on Financial Services

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## A BILL

To amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

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 AND TABLE OF CONTENTS.**

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

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Definition of homelessness.

Sec. 4. United States Interagency Council on Homelessness.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

- Sec. 101. Definitions.  
 Sec. 102. Community homeless assistance planning boards.  
 Sec. 103. General provisions.  
 Sec. 104. Protection of personally identifying information by victim service providers.  
 Sec. 105. Authorization of appropriations.

TITLE II—EMERGENCY SOLUTIONS GRANTS PROGRAM

- Sec. 201. Grant assistance.  
 Sec. 202. Eligible activities.  
 Sec. 203. Participation in Homeless Management Information System.

TITLE III—CONTINUUM OF CARE PROGRAM

- Sec. 301. Continuum of care.  
 Sec. 302. Eligible activities.  
 Sec. 303. High performing communities.  
 Sec. 304. Program requirements.  
 Sec. 305. Selection criteria, allocation amounts, and funding.  
 Sec. 306. Research.

TITLE IV—RURAL HOUSING STABILITY ASSISTANCE PROGRAM

- Sec. 401. Rural housing stability assistance.  
 Sec. 402. GAO study of homelessness and homeless assistance in rural areas.

TITLE V—REPEALS AND CONFORMING AMENDMENTS

- Sec. 501. Repeals.  
 Sec. 502. Conforming amendments.  
 Sec. 503. Effective date.  
 Sec. 504. Regulations.  
 Sec. 505. Amendment to table of contents.

**1 SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—The Congress finds that—

3 (1) a lack of affordable housing and limited  
 4 scale of housing assistance programs are the pri-  
 5 mary causes of homelessness; and

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

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

1           (1) to consolidate the separate homeless assist-  
2           ance programs carried out under title IV of the  
3           McKinney-Vento Homeless Assistance Act (con-  
4           sisting of the supportive housing program and re-  
5           lated innovative programs, the safe havens program,  
6           the section 8 assistance program for single-room oc-  
7           cupancy dwellings, and the shelter plus care pro-  
8           gram) into a single program with specific eligible ac-  
9           tivities;

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

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

17 **SEC. 3. DEFINITION OF HOMELESSNESS.**

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

21           (1) by redesignating subsections (b) and (c) as  
22           subsections (c) and (d); and

23           (2) by striking subsection (a) and inserting the  
24           following:

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

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

6               “(2) an individual or family with a primary  
7 nighttime residence that is a public or private place  
8 not designed for or ordinarily used as a regular  
9 sleeping accommodation for human beings, including  
10 a car, park, abandoned building, bus or train sta-  
11 tion, airport, or camping ground;

12              “(3) an individual or family living in a super-  
13 vised publicly or privately operated shelter des-  
14 ignated to provide temporary living arrangements  
15 (including hotels and motels paid for by Federal,  
16 State, or local government programs for low-income  
17 individuals or by charitable organizations, con-  
18 gregate shelters, and transitional housing);

19              “(4) an individual who resided in a shelter or  
20 place not meant for human habitation and who is  
21 exiting an institution where he or she temporarily  
22 resided;

23              “(5) an individual or family who—

24                      “(A) will imminently lose their housing, in-  
25 cluding housing they own, rent, or live in with-

1 out paying rent, are sharing with others, and  
2 rooms in hotels or motels not paid for by Fed-  
3 eral, State, or local government programs for  
4 low-income individuals or by charitable organi-  
5 zations, as evidenced by—

6 “(i) a court order resulting from an  
7 eviction action that notifies the individual  
8 or family that they must leave within 14  
9 days;

10 “(ii) the individual or family having a  
11 primary nighttime residence that is a room  
12 in a hotel or motel and where they lack the  
13 resources necessary to reside there for  
14 more than 14 days; or

15 “(iii) credible evidence indicating that  
16 the owner or renter of the housing will not  
17 allow the individual or family to stay for  
18 more than 14 days, and any oral statement  
19 from an individual or family seeking home-  
20 less assistance that is found to be credible  
21 shall be considered credible evidence for  
22 purposes of this clause;

23 “(B) has no subsequent residence identi-  
24 fied; and

1           “(C) lacks the resources or support net-  
2           works needed to obtain other permanent hous-  
3           ing; and

4           “(6) unaccompanied youth and homeless fami-  
5           lies with children and youth defined as homeless  
6           under other Federal statutes who—

7           “(A) have experienced a long-term period  
8           without living independently in permanent  
9           housing;

10           “(B) have experienced persistent instability  
11           as measured by frequent moves over such pe-  
12           riod; and

13           “(C) can be expected to continue in such  
14           status for an extended period of time because of  
15           chronic disabilities, chronic physical health or  
16           mental health conditions, substance addiction,  
17           histories of domestic violence or childhood  
18           abuse, the presence of a child or youth with a  
19           disability, or multiple barriers to employment.

20           “(b) DOMESTIC VIOLENCE AND OTHER DANGEROUS  
21           OR LIFE-THREATENING CONDITIONS.—Notwithstanding  
22           any other provision of this section, the Secretary shall con-  
23           sider to be homeless any individual or family who is flee-  
24           ing, or is attempting to flee, domestic violence, dating vio-  
25           lence, sexual assault, stalking, or other dangerous or life-

1 threatening conditions in the individual’s or family’s cur-  
2 rent housing situation, including where the health and  
3 safety of children are jeopardized, and who have no other  
4 residence and lack the resources or support networks to  
5 obtain other permanent housing.”.

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

16 (c) CLARIFICATION OF EFFECT ON OTHER LAWS.—  
17 This section and the amendments made by this section  
18 to section 103 of the McKinney-Vento Homeless Assist-  
19 ance Act (42 U.S.C. 11302) may not be construed to af-  
20 fect, alter, limit, annul, or supersede any other provision  
21 of Federal law providing a definition of “homeless”,  
22 “homeless individual”, or “homeless person” for purposes  
23 other than such Act, except to the extent that such provi-  
24 sion refers to such section 103 or the definition provided  
25 in such section 103.

1 **SEC. 4. UNITED STATES INTERAGENCY COUNCIL ON HOME-**  
2 **LESSNESS.**

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

6 (1) in section 201 (42 U.S.C. 11311), by insert-  
7 ing before the period at the end the following  
8 “whose mission shall be to coordinate the Federal  
9 response to homelessness and to create a national  
10 partnership at every level of government and with  
11 the private sector to reduce and end homelessness in  
12 the Nation while maximizing the effectiveness of the  
13 Federal Government in contributing to the end of  
14 homelessness”;

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

16 (A) in subsection (a)—

17 (i) by redesignating paragraph (16) as  
18 paragraph (22); and

19 (ii) by inserting after paragraph (15)  
20 the following:

21 “(16) The Commissioner of Social Security, or  
22 the designee of the Commissioner.

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

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

1           “(19) The Director of the Office of Faith-Based  
2           and Community Initiatives, or the designee of the  
3           Director.

4           “(20) The Director of USA FreedomCorps, or  
5           the designee of the Director.”;

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

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

13          “(e) ADMINISTRATION.—The Executive Director of  
14          the Council shall report to the Chairman of the Council.”;

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

16                (A) by redesignating paragraphs (1), (2),  
17                (3), (4), (5), (6), and (7) as paragraphs (2),  
18                (3), (4), (5), (9), (10), and (11), respectively;

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

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

1 submit to the President and to Congress a National  
2 Strategic Plan to End Homelessness, and shall up-  
3 date such plan annually;”;

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

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

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

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

1 other programs for which persons experiencing  
2 homelessness are eligible, including mainstream pro-  
3 grams identified by the Government Accountability  
4 Office in the reports entitled ‘Homelessness: Coordi-  
5 nation and Evaluation of Programs Are Essential’,  
6 issued February 26, 1999, and ‘Homelessness: Bar-  
7 riers to Using Mainstream Programs’, issued July 6,  
8 2000;

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

11 “(9) develop joint Federal agency and other ini-  
12 tiatives to fulfill the goals of the agency;”;

13 (E) in paragraph (10), as so redesignated  
14 by subparagraph (A), by striking “and” at the  
15 end;

16 (F) in paragraph (11), as so redesignated  
17 by subparagraph (A), by striking the period at  
18 the end and inserting a semicolon;

19 (G) by adding at the end the following new  
20 paragraphs:

21 “(12) develop constructive alternatives to crim-  
22 inalizing homelessness and eliminate laws and poli-  
23 cies that prohibit sleeping, feeding, sitting, resting,  
24 or lying in public spaces when there are no suitable  
25 alternatives, result in the destruction of a homeless

1 person's property without due process, or are selec-  
2 tively enforced against homeless persons; and

3 “(13) not later than the expiration of the 6-  
4 month period beginning upon completion of the  
5 study requested in a letter to the Acting Comptroller  
6 General from the Chair and ranking member of the  
7 House Financial Services Committee and several  
8 other members regarding various definitions of  
9 homelessness in Federal statutes, convene a meeting  
10 of representatives of all Federal agencies and com-  
11 mittees of the House of Representatives and the  
12 Senate having jurisdiction over any Federal program  
13 to assist homeless individuals or families, local and  
14 State governments, academic researchers who spe-  
15 cialize in homelessness, nonprofit housing and serv-  
16 ice providers that receive funding under any Federal  
17 program to assist homeless individuals or families,  
18 organizations advocating on behalf of such nonprofit  
19 providers and homeless persons receiving housing or  
20 services under any such Federal program, and home-  
21 less persons receiving housing or services under any  
22 such Federal program, at which meeting such rep-  
23 resentatives shall discuss all issues relevant to  
24 whether the definitions of ‘homeless’ under para-  
25 graphs (1) through (4) of section 103(a) of the

1 McKinney-Vento Homeless Assistance Act, as  
2 amended by section 3 of the Homeless Emergency  
3 Assistance and Rapid Transition to Housing Act of  
4 2008, should be modified by the Congress, including  
5 whether there is a compelling need for a uniform  
6 definition of homelessness under Federal law, the ex-  
7 tent to which the differences in such definitions cre-  
8 ate barriers for individuals to accessing services and  
9 to collaboration between agencies, and the relative  
10 availability, and barriers to access by persons de-  
11 fined as homeless, of mainstream programs identi-  
12 fied by the Government Accountability Office in the  
13 two reports identified in paragraph (7) of this sub-  
14 section; and shall submit transcripts of such meet-  
15 ing, and any majority and dissenting recommenda-  
16 tions from such meetings, to each committee of the  
17 House of Representatives and the Senate having ju-  
18 risdiction over any Federal program to assist home-  
19 less individuals or families not later than the expira-  
20 tion of the 60-day period beginning upon conclusion  
21 of such meeting.”.

22 (4) in section 203(b)(1) (42 U.S.C.  
23 11313(b))—

24 (A) by striking “Federal” and inserting  
25 “national”;

1 (B) by striking “; and” and inserting “and  
2 pay for expenses of attendance at meetings  
3 which are concerned with the functions or ac-  
4 tivities for which the appropriation is made;”;

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

10 (6) by striking section 208 (42 U.S.C. 11318)  
11 and inserting the following:

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

13 “There are authorized to be appropriated to carry out  
14 this title \$3,000,000 for fiscal year 2009 and such sums  
15 as may be necessary for fiscal years 2010. Any amounts  
16 appropriated to carry out this title shall remain available  
17 until expended.”.

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

1 **TITLE I—HOUSING ASSISTANCE**  
2 **GENERAL PROVISIONS**

3 **SEC. 101. DEFINITIONS.**

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

7 (1) by striking the subtitle heading and insert-  
8 ing the following:

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

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

13 (3) by inserting before section 403 (as so redес-  
14 igned by paragraph (2) of this section) the fol-  
15 lowing new section:

16 **“SEC. 401. DEFINITIONS.**

17 “For purposes of this title:

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

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

23 “(B) has insufficient resources immediately  
24 available to attain housing stability; and

1           “(C)(i) has moved frequently because of  
2 economic reasons;

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

5           “(iii) has been notified that their right to  
6 occupy their current housing or living situation  
7 will be terminated;

8           “(iv) lives in a hotel or motel;

9           “(v) lives in severely overcrowded housing;

10          “(vi) is exiting an institution; or

11          “(vii) otherwise lives in housing that has  
12 characteristics associated with instability and  
13 an increased risk of homelessness.

14          Such term includes all families with children  
15 and youth defined as homeless under other  
16 Federal statutes.

17          “(2) CHRONICALLY HOMELESS.—

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

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

24           “(ii) has been homeless and living or  
25 residing in a place not meant for human

1 habitation, a safe haven, or in an emer-  
2 gency shelter continuously for at least 1  
3 year or on at least four separate occasions  
4 in the last 3 years; and

5 “(iii) has an adult head of household  
6 (or a minor head of household if no adult  
7 is present in the household) with a  
8 diagnosable substance use disorder, serious  
9 mental illness, developmental disability (as  
10 defined in section 102 of the Develop-  
11 mental Disabilities Assistance and Bill of  
12 Rights Act of 2000 (42 U.S.C. 15002)),  
13 post traumatic stress disorder, cognitive  
14 impairments resulting from a brain injury,  
15 or chronic physical illness or disability, in-  
16 cluding the co-occurrence of two or more of  
17 those conditions.

18 “(B) RULE OF CONSTRUCTION.—A person  
19 who currently lives or resides in an institutional  
20 care facility, including a jail, substance abuse or  
21 mental health treatment facility, hospital or  
22 other similar facility, and has resided there for  
23 fewer than 90 days shall be considered chron-  
24 ically homeless if such person met all of the re-

1            requirements described in subparagraph (A) prior  
2            to entering that facility.

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

5                    “(A) carries out the duties specified in sec-  
6                    tion 402;

7                    “(B) serves as the applicant for project  
8                    sponsors who jointly submit a single application  
9                    for a grant under subtitle C in accordance with  
10                   a collaborative process; and

11                   “(C) if the entity is a legal entity and is  
12                   awarded such grant, receives such grant di-  
13                   rectly from the Secretary.

14            “(4) COLLABORATIVE APPLICATION.—The term  
15            ‘collaborative application’ means an application for a  
16            grant under subtitle C that—

17                    “(A) satisfies section 422; and

18                    “(B) is submitted to the Secretary by a  
19                    collaborative applicant.

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

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

6           “(7) FAMILIES WITH CHILDREN AND YOUTH  
7           DEFINED AS HOMELESS UNDER OTHER FEDERAL  
8           STATUTES.—The term ‘families with children and  
9           youth defined as homeless under other Federal stat-  
10          utes’ means any children or youth that are defined  
11          as ‘homeless’ under any Federal statute other than  
12          this subtitle, but are not defined as homeless under  
13          section 103, and shall also include the parent, par-  
14          ents, or guardian of such children or youth under  
15          subtitle B of title VII this Act (42 U.S.C. 11431 et  
16          seq.).

17          “(8) GEOGRAPHIC AREA.—The term ‘geo-  
18          graphic area’ means a State, metropolitan city,  
19          urban county, town, village, or other nonentitlement  
20          area, or a combination or consortia of such, in the  
21          United States, as described in section 106 of the  
22          Housing and Community Development Act of 1974  
23          (42 U.S.C. 5306).

24          “(9) HOMELESS INDIVIDUAL WITH A DIS-  
25          ABILITY.—

1           “(A) IN GENERAL.—The term ‘homeless  
2 individual with a disability’ means an individual  
3 who is homeless, as defined in section 103, and  
4 has a disability that—

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

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

9                   “(III) could be improved by the provi-  
10 sion of more suitable housing conditions;  
11 and

12                   “(IV) is a physical, mental, or emo-  
13 tional impairment, including an impair-  
14 ment caused by alcohol or drug abuse, post  
15 traumatic stress disorder, or brain injury;

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

20                   “(iii) is the disease of acquired im-  
21 munodeficiency syndrome or any condition  
22 arising from the etiologic agency for ac-  
23 quired immunodeficiency syndrome.

24           “(B) RULE.—Nothing in clause (iii) of  
25 subparagraph (A) shall be construed to limit

1 eligibility under clause (i) or (ii) of subpara-  
2 graph (A).

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

5 “(A) an entity described in section  
6 501(c)(3) of the Internal Revenue Code of 1986  
7 (26 U.S.C. 501(c)(3)) and exempt from tax  
8 under section 501(a) of such Code;

9 “(B) an instrumentality of State or local  
10 government; or

11 “(C) a consortium of instrumentalities of  
12 State or local governments that has constituted  
13 itself as an entity.

14 “(11) METROPOLITAN CITY; URBAN COUNTY;  
15 NONENTITLEMENT AREA.—The terms ‘metropolitan  
16 city’, ‘urban county’, and ‘nonentitlement area’ have  
17 the meanings given such terms in section 102(a) of  
18 the Housing and Community Development Act of  
19 1974 (42 U.S.C. 5302(a)).

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

23 “(13) OPERATING COSTS.—The term ‘operating  
24 costs’ means expenses incurred by a project sponsor

1 operating transitional housing or permanent housing  
2 under this title with respect to—

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

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

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

9 “(14) OUTPATIENT HEALTH SERVICES.—The  
10 term ‘outpatient health services’ means outpatient  
11 health care services, mental health services, and out-  
12 patient substance abuse services.

13 “(15) PERMANENT HOUSING.—The term ‘per-  
14 manent housing’ means community-based housing  
15 without a designated length of stay, and includes  
16 both permanent supportive housing and permanent  
17 housing without supportive services.

18 “(16) PERSONALLY IDENTIFYING INFORMA-  
19 TION.—The term ‘personally identifying information’  
20 means individually identifying information for or  
21 about an individual, including information likely to  
22 disclose the location of a victim of domestic violence,  
23 dating violence, sexual assault, or stalking, includ-  
24 ing—

25 “(A) a first and last name;

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

2           “(C) contact information (including a post-  
3 al, e-mail or Internet protocol address, or tele-  
4 phone or facsimile number);

5           “(D) a social security number; and

6           “(E) any other information, including date  
7 of birth, racial or ethnic background, or reli-  
8 gious affiliation, that, in combination with any  
9 other non-personally identifying information,  
10 would serve to identify any individual.

11           “(17) PRIVATE NONPROFIT ORGANIZATION.—

12           The term ‘private nonprofit organization’ means an  
13 organization—

14           “(A) no part of the net earnings of which  
15 inures to the benefit of any member, founder,  
16 contributor, or individual;

17           “(B) that has a voluntary board;

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

21           “(D) that practices nondiscrimination in  
22 the provision of assistance.

23           “(18) PROJECT.—The term ‘project’ means,  
24 with respect to activities carried out under subtitle  
25 C, eligible activities described in section 423(a), un-

1 dertaken pursuant to a specific endeavor, such as  
2 serving a particular population or providing a par-  
3 ticular resource.

4 “(19) PROJECT-BASED.—The term ‘project-  
5 based’ means, with respect to rental assistance, that  
6 the assistance is provided pursuant to a contract  
7 that—

8 “(A) is between—

9 “(i) the recipient or a project sponsor;

10 and

11 “(ii) an owner of a structure that ex-  
12 ists as of the date the contract is entered  
13 into; and

14 “(B) provides that rental assistance pay-  
15 ments shall be made to the owner and that the  
16 units in the structure shall be occupied by eligi-  
17 ble persons for not less than the term of the  
18 contract.

19 “(20) PROJECT SPONSOR.—The term ‘project  
20 sponsor’ means, with respect to proposed eligible ac-  
21 tivities, the organization directly responsible for car-  
22 rying out the proposed eligible activities.

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

1           “(A) submits an application for a grant  
2           under section 422 that is approved by the Sec-  
3           retary;

4           “(B) receives the grant directly from the  
5           Secretary to support approved projects de-  
6           scribed in the application; and

7           “(C)(i) serves as a project sponsor for the  
8           projects; or

9           “(ii) awards the funds to project sponsors  
10          to carry out the projects.

11          “(22) SECRETARY.—The term ‘Secretary’  
12          means the Secretary of Housing and Urban Develop-  
13          ment.

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

19          “(24) SOLO APPLICANT.—The term ‘solo appli-  
20          cant’ means an entity that is an eligible entity, di-  
21          rectly submits an application for a grant under sub-  
22          title C to the Secretary, and, if awarded such grant,  
23          receives such grant directly from the Secretary.

24          “(25) SPONSOR-BASED.—The term ‘sponsor-  
25          based’ means, with respect to rental assistance, that

1 the assistance is provided pursuant to a contract  
2 that—

3 “(A) is between—

4 “(i) the recipient or a project sponsor;

5 and

6 “(ii) an independent entity that—

7 “(I) is a private organization;

8 and

9 “(II) owns or leases dwelling  
10 units; and

11 “(B) provides that rental assistance pay-  
12 ments shall be made to the independent entity  
13 and that eligible persons shall occupy such as-  
14 sisted units.

15 “(26) STATE.—Except as used in subtitle B,  
16 the term ‘State’ means each of the several States,  
17 the District of Columbia, the Commonwealth of  
18 Puerto Rico, the United States Virgin Islands,  
19 Guam, American Samoa, the Commonwealth of the  
20 Northern Mariana Islands, the Trust Territory of  
21 the Pacific Islands, and any other territory or pos-  
22 session of the United States.

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

1           “(A) the establishment and operation of a  
2 child care services program for families experi-  
3 encing homelessness;

4           “(B) the establishment and operation of an  
5 employment assistance program, including pro-  
6 viding job training;

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

9           “(D) the provision of assistance in obtain-  
10 ing permanent housing, employment counseling,  
11 and nutritional counseling;

12           “(E) the provision of outreach services, ad-  
13 vocacy, life skills training, and housing search  
14 and counseling services;

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

17           “(G) the provision of assistance in obtain-  
18 ing other Federal, State, and local assistance  
19 available for residents of supportive housing  
20 (including mental health benefits, employment  
21 counseling, and medical assistance, but not in-  
22 cluding major medical equipment);

23           “(H) the provision of legal services for  
24 purposes including requesting reconsiderations  
25 and appeals of veterans and public benefit claim

1 denials and resolving outstanding warrants that  
2 interfere with an individual's ability to obtain  
3 and retain housing;

4 “(I) the provision of—

5 “(i) transportation services that facili-  
6 tate an individual's ability to obtain and  
7 maintain employment; and

8 “(ii) health care; and

9 “(J) other supportive services necessary to  
10 obtain and maintain housing.

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

14 “(A) allows an eligible person to select a  
15 housing unit in which such person will live  
16 using rental assistance provided under subtitle  
17 C, except that if necessary to assure that the  
18 provision of supportive services to a person par-  
19 ticipating in a program is feasible, a recipient  
20 or project sponsor may require that the person  
21 live—

22 “(i) in a particular structure or unit  
23 for not more than the first year of the par-  
24 ticipation;

1                   “(ii) within a particular geographic  
2                   area for the full period of the participation,  
3                   or the period remaining after the period  
4                   referred to in subparagraph (A); and

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

17                  “(29) TRANSITIONAL HOUSING.—The term  
18                  ‘transitional housing’ means housing the purpose of  
19                  which is to facilitate the movement of individuals  
20                  and families experiencing homelessness to permanent  
21                  housing within 24 months or such longer period as  
22                  the Secretary determines necessary.

23                  “(30) UNIFIED FUNDING AGENCY.—The term  
24                  ‘unified funding agency’ means a collaborative appli-

1 cant that performs the duties described in section  
2 402(g).

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

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

19 “(33) VICTIM SERVICES.—The term ‘victim  
20 services’ means services that assist domestic vio-  
21 lence, dating violence, sexual assault, or stalking vic-  
22 tims, including services offered by rape crisis centers  
23 and domestic violence shelters, and other organiza-  
24 tions, with a documented history of effective work

1 concerning domestic violence, dating violence, sexual  
2 assault, or stalking.”.

3 **SEC. 102. COMMUNITY HOMELESS ASSISTANCE PLANNING**  
4 **BOARDS.**

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

9 **“SEC. 402. COLLABORATIVE APPLICANTS.**

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

13 “(1) submit an application for amounts under  
14 this subtitle; and

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

17 “(b) NO REQUIREMENT TO BE A LEGAL ENTITY.—  
18 An entity may be established to serve as a collaborative  
19 applicant under this section without being a legal entity.

20 “(c) REMEDIAL ACTION.—If the Secretary finds that  
21 a collaborative applicant for a geographic area does not  
22 meet the requirements of this section, or if there is no  
23 collaborative applicant for a geographic area, the Sec-  
24 retary may take remedial action to ensure fair distribution  
25 of grant amounts under subtitle C to eligible entities with-

1 in that area. Such measures may include designating an-  
2 other body as a collaborative applicant, or permitting  
3 other eligible entities to apply directly for grants.

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

8 “(e) APPOINTMENT OF AGENT.—

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

11 “(A) apply for a grant under section  
12 422(c);

13 “(B) receive and distribute grant funds  
14 awarded under subtitle C; and

15 “(C) perform other administrative duties.

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

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

22 “(1) design a collaborative process for the de-  
23 velopment of an application under subtitle C, and  
24 for evaluating the outcomes of projects for which  
25 funds are awarded under subtitle B, in such a man-

1       ner as to provide information necessary for the Sec-  
2       retary—

3               “(A) to determine compliance with—

4                       “(i) the program requirements under  
5                       section 426; and

6                       “(ii) the selection criteria described  
7                       under section 427; and

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

10               “(2) participate in the Consolidated Plan for  
11               the geographic area served by the collaborative ap-  
12               plicant; and

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

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

19                       “(B) analyzes patterns of use of assistance  
20                       provided under subtitles B and C for the geo-  
21                       graphic area involved;

22                       “(C) provides information to project spon-  
23                       sors and applicants for needs analyses and  
24                       funding priorities; and

1           “(D) is developed in accordance with  
2 standards established by the Secretary, includ-  
3 ing standards that provide for—

4                   “(i) encryption of data collected for  
5 purposes of HMIS;

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

9                   “(iii) access to HMIS data by staff,  
10 contractors, law enforcement, and aca-  
11 demic researchers;

12                   “(iv) rights of persons receiving serv-  
13 ices under this title;

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

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

18           “(g) UNIFIED FUNDING.—

19                   “(1) IN GENERAL.—In addition to the duties  
20 described in subsection (f), a collaborative applicant  
21 shall receive from the Secretary and distribute to  
22 other project sponsors in the applicable geographic  
23 area funds for projects to be carried out by such  
24 other project sponsors, if—

25                   “(A) the collaborative applicant—

1           “(i) applies to undertake such collec-  
2           tion and distribution responsibilities in an  
3           application submitted under this subtitle;  
4           and

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

7           “(B) the Secretary designates the collabo-  
8           rative applicant as the unified funding agency  
9           in the geographic area, after—

10           “(i) a finding by the Secretary that  
11           the applicant—

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

14           “(II) would serve the purposes of  
15           this Act as they apply to the geo-  
16           graphic area; and

17           “(ii) the Secretary provides the col-  
18           laborative applicant with the technical as-  
19           sistance necessary to perform such respon-  
20           sibilities as such assistance is agreed to by  
21           the collaborative applicant.

22           “(2) REQUIRED ACTIONS BY A UNIFIED FUND-  
23           ING AGENCY.—A collaborative applicant that is ei-  
24           ther selected or designated as a unified funding

1 agency for a geographic area under paragraph (1)  
2 shall—

3 “(A) require each project sponsor who is  
4 funded by a grant received under subtitle C to  
5 establish such fiscal control and fund account-  
6 ing procedures as may be necessary to assure  
7 the proper disbursement of, and accounting for,  
8 Federal funds awarded to the project sponsor  
9 under subtitle C in order to ensure that all fi-  
10 nancial transactions carried out under subtitle  
11 C are conducted, and records maintained, in ac-  
12 cordance with generally accepted accounting  
13 principles; and

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

18 “(h) CONFLICT OF INTEREST.—No board member of  
19 a collaborative applicant may participate in decisions of  
20 the collaborative applicant concerning the award of a  
21 grant, or provision of other financial benefits, to such  
22 member or the organization that such member rep-  
23 resents.”.

1 **SEC. 103. GENERAL PROVISIONS.**

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

6 **“SEC. 404. PREVENTING INVOLUNTARY FAMILY SEPARA-**  
7 **TION.**

8 “(a) IN GENERAL.—After the expiration of the 2-  
9 year period that begins upon the date of the enactment  
10 of the Homeless Emergency Assistance and Rapid Transi-  
11 tion to Housing Act of 2008, and except as provided in  
12 subsection (b), any project sponsor receiving funds under  
13 this title to provide emergency shelter, transitional hous-  
14 ing, or permanent housing to families with children under  
15 age 18 shall not deny admission to any family based on  
16 the age of any child under age 18.

17 “(b) EXCEPTION.—Notwithstanding the requirement  
18 under subsection (a), project sponsors of transitional  
19 housing receiving funds under this title may target transi-  
20 tional housing resources to families with children of a spe-  
21 cific age only if the project sponsor—

22 “(1) operates a transitional housing program  
23 that has a primary purpose of implementing an evi-  
24 dence-based practice that requires that housing units  
25 be targeted to families with children in a specific age  
26 group; and

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

5   **“SEC. 405. TECHNICAL ASSISTANCE.**

6           “(a) IN GENERAL.—The Secretary shall make avail-  
7           able technical assistance to private nonprofit organizations  
8           and other nongovernmental entities, States, metropolitan  
9           cities, urban counties, and counties that are not urban  
10          counties, to implement effective planning processes for  
11          preventing and ending homelessness, to improve their ca-  
12          pacity to prepare collaborative applications, to prevent the  
13          separation of families in emergency shelter or other hous-  
14          ing programs, and to adopt and provide best practices in  
15          housing and services for persons experiencing homeless.

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

20   **SEC. 104. PROTECTION OF PERSONALLY IDENTIFYING IN-**  
21                           **FORMATION BY VICTIM SERVICE PROVIDERS.**

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

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

3 “In the course of awarding grants or implementing  
4 programs under this title, the Secretary shall instruct any  
5 victim service provider that is a recipient or subgrantee  
6 not to disclose for purposes of the Homeless Management  
7 Information System any personally identifying informa-  
8 tion about any client. The Secretary may, after public no-  
9 tice and comment, require or ask such recipients and sub-  
10 grantees to disclose for purposes of the Homeless Manage-  
11 ment Information System non-personally identifying infor-  
12 mation that has been de-identified, encrypted, or otherwise  
13 encoded. Nothing in this section shall be construed to su-  
14 persede any provision of any Federal, State, or local law  
15 that provides greater protection than this subsection for  
16 victims of domestic violence, dating violence, sexual as-  
17 sault, or stalking.”.

18 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

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

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

24 “There are authorized to be appropriated to carry out  
25 this title \$2,200,000,000 for fiscal year 2009 and such  
26 sums as may be necessary for fiscal year 2010.”.

1                   **TITLE II—EMERGENCY**  
2                   **SOLUTIONS GRANTS PROGRAM**

3 **SEC. 201. GRANT ASSISTANCE.**

4           Subtitle B of title IV of the McKinney-Vento Home-  
5 less Assistance Act (42 U.S.C. 11371 et seq.) is amend-  
6 ed—

7                   (1) by striking the subtitle heading and insert-  
8                   ing the following:

9                   **“Subtitle B—Emergency Solutions**  
10                   **Grants Program”;**

11                   (2) by striking section 417 (42 U.S.C. 11377);

12                   (3) by redesignating sections 413 through 416  
13                   (42 U.S.C. 11373–6) as sections 414 through 417,  
14                   respectively; and

15                   (4) by striking section 412 (42 U.S.C. 11372)

16                   and inserting the following:

17 **“SEC. 412. GRANT ASSISTANCE.**

18           “The Secretary shall make grants to States and local  
19 governments (and to private nonprofit organizations pro-  
20 viding assistance to persons experiencing homelessness or  
21 at risk of homelessness, in the case of grants made with  
22 reallocated amounts) for the purpose of carrying out ac-  
23 tivities described in section 415.

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

2 “(a) IN GENERAL.—Of the amount made available  
3 to carry out this subtitle and subtitle C for a fiscal year,  
4 the Secretary shall allocate nationally 20 percent of such  
5 amount for activities described in section 415. The Sec-  
6 retary shall be required to certify that such allocation will  
7 not adversely affect the renewal of existing projects under  
8 this subtitle and subtitle C for those individuals or families  
9 who are homeless.

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

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

23 **SEC. 202. ELIGIBLE ACTIVITIES.**

24 The McKinney-Vento Homeless Assistance Act is  
25 amended by striking section 415 (42 U.S.C. 11374), as

1 so redesignated by section 201(3) of this Act, and insert-  
2 ing the following new section:

3 **“SEC. 415. ELIGIBLE ACTIVITIES.**

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

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

9 “(2) The provision of essential services related  
10 to emergency shelter or street outreach, including  
11 services concerned with employment, health, edu-  
12 cation, family support services for homeless youth,  
13 substance abuse services, victim services, or mental  
14 health services, if—

15 “(A) such essential services have not been  
16 provided by the local government during any  
17 part of the immediately preceding 12-month pe-  
18 riod or the Secretary determines that the local  
19 government is in a severe financial deficit; or

20 “(B) the use of assistance under this sub-  
21 title would complement the provision of those  
22 essential services.

23 “(3) Maintenance, operation, insurance, provi-  
24 sion of utilities, and provision of furnishings related  
25 to emergency shelter.

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

6           “(5) Housing relocation or stabilization services  
7 for homeless individuals or families or individuals or  
8 families at risk of homelessness, including housing  
9 search, mediation or outreach to property owners,  
10 legal services, credit repair, providing security or  
11 utility deposits, utility payments, rental assistance  
12 for a final month at a location, assistance with mov-  
13 ing costs, or other activities that are effective at—

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

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

18           “(b) MAXIMUM ALLOCATION FOR EMERGENCY  
19 SHELTER ACTIVITIES.—A grantee of assistance provided  
20 under section 412 for any fiscal year may not use an  
21 amount of such assistance for activities described in para-  
22 graphs (1) through (3) of subsection (a) that exceeds the  
23 greater of—

1           “(1) 60 percent of the aggregate amount of  
2           such assistance provided for the grantee for such fis-  
3           cal year; or

4           “(2) the amount expended by such grantee for  
5           such activities during fiscal year most recently com-  
6           pleted before the effective date under section 503 of  
7           the Homeless Emergency Assistance and Rapid  
8           Transition to Housing Act of 2008.”.

9   **SEC. 203. PARTICIPATION IN HOMELESS MANAGEMENT IN-**  
10                           **FORMATION SYSTEM.**

11           Section 416 of the McKinney-Vento Homeless Assist-  
12           ance Act (42 U.S.C. 11375), as so redesignated by section  
13           201(3) of this Act, is amended by adding at the end the  
14           following new subsection:

15           “(f) PARTICIPATION IN HMIS.—The Secretary shall  
16           ensure that recipients of funds under this subtitle ensure  
17           the consistent participation by emergency shelters and  
18           homelessness prevention and rehousing programs in any  
19           applicable community-wide homeless management infor-  
20           mation system.”.

21   **TITLE III—CONTINUUM OF CARE**  
22                           **PROGRAM**

23   **SEC. 301. CONTINUUM OF CARE.**

24           The McKinney-Vento Homeless Assistance Act is  
25           amended—

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

4 **“Subtitle C—Continuum of Care**  
5 **Program”;** and

6 (2) by striking sections 421 and 422 (42 U.S.C.  
7 11381 and 11382) and inserting the following new  
8 sections:

9 **“SEC. 421. PURPOSES.**

10 “The purposes of this subtitle are—

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

13 “(2) to provide funding for efforts by nonprofit  
14 providers and State and local governments to quickly  
15 rehouse homeless individuals and families while  
16 minimizing the trauma and dislocation caused to in-  
17 dividuals, families, and communities by homeless-  
18 ness;

19 “(3) to promote access to, and effective utiliza-  
20 tion of, mainstream programs described in section  
21 203(a)(7) and programs funded with State or local  
22 resources; and

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

1 **“SEC. 422. CONTINUUM OF CARE APPLICATIONS AND**  
2 **GRANTS.**

3 “(a) **PROJECTS.**—The Secretary shall award grants,  
4 on a competitive basis, and using the selection criteria de-  
5 scribed in section 427, to carry out eligible activities under  
6 this subtitle for projects that meet the program require-  
7 ments under section 426, either by directly awarding  
8 funds to project sponsors or by awarding funds to unified  
9 funding agencies.

10 “(b) **NOTIFICATION OF FUNDING AVAILABILITY.**—  
11 The Secretary shall release a notification of funding avail-  
12 ability for grants awarded under this subtitle for a fiscal  
13 year not later than 3 months after the date of the enact-  
14 ment of the appropriate Act making appropriations for the  
15 Department of Housing and Urban Development for such  
16 fiscal year.

17 “(c) **APPLICATIONS.**—

18 “(1) **SUBMISSION TO THE SECRETARY.**—To be  
19 eligible to receive a grant under subsection (a), a  
20 project sponsor or unified funding agency in a geo-  
21 graphic area shall submit an application to the Sec-  
22 retary at such time and in such manner as the Sec-  
23 retary may require, and containing such information  
24 as the Secretary determines necessary—

1           “(A) to determine compliance with the pro-  
2           gram requirements and selection criteria under  
3           this subtitle; and

4           “(B) to establish priorities for funding  
5           projects in the geographic area.

6           “(2) ANNOUNCEMENT OF AWARDS.—

7           “(A) IN GENERAL.—Except as provided in  
8           subparagraph (B), the Secretary shall an-  
9           nounce, within 5 months after the last date for  
10          the submission of applications described in this  
11          subsection for a fiscal year, the grants condi-  
12          tionally awarded under subsection (a) for that  
13          fiscal year.

14          “(B) TRANSITION.—For a period of up to  
15          2 years beginning after the effective date under  
16          section 503 of the Homeless Emergency Assist-  
17          ance and Rapid Transition to Housing Act of  
18          2008, the Secretary shall announce, within 6  
19          months after the last date for the submission of  
20          applications described in this subsection for a  
21          fiscal year, the grants conditionally awarded  
22          under subsection (a) for that fiscal year.

23          “(d) OBLIGATION, DISTRIBUTION, AND UTILIZATION  
24          OF FUNDS.—

25          “(1) REQUIREMENTS FOR OBLIGATION.—

1           “(A) IN GENERAL.—Not later than 9  
2 months after the announcement referred to in  
3 subsection (c)(2), each recipient or project  
4 sponsor shall meet all requirements for the obli-  
5 gation of those funds, including site control,  
6 matching funds, and environmental review re-  
7 quirements, except as provided in subpara-  
8 graphs (B) and (C).

9           “(B) ACQUISITION, REHABILITATION, OR  
10 CONSTRUCTION.—Not later than 24 months  
11 after the announcement referred to in sub-  
12 section (c)(2), each recipient or project sponsor  
13 seeking the obligation of funds for acquisition  
14 of housing, rehabilitation of housing, or con-  
15 struction of new housing for a grant announced  
16 under subsection (c)(2) shall meet all require-  
17 ments for the obligation of those funds, includ-  
18 ing site control, matching funds, and environ-  
19 mental review requirements.

20           “(C) EXTENSIONS.—At the discretion of  
21 the Secretary, and in compelling circumstances,  
22 the Secretary may extend the date by which a  
23 recipient or project sponsor shall meet the re-  
24 quirements described in subparagraphs (A) and  
25 (B) if the Secretary determines that compliance

1 with the requirements was delayed due to fac-  
2 tors beyond the reasonable control of the recipi-  
3 ent or project sponsor. Such factors may in-  
4 clude difficulties in obtaining site control for a  
5 proposed project, completing the process of ob-  
6 taining secure financing for the project, obtain-  
7 ing approvals from State or local governments,  
8 or completing the technical submission require-  
9 ments for the project.

10 “(2) OBLIGATION.—Not later than 45 days  
11 after a recipient or project sponsor meets the re-  
12 quirements described in paragraph (1), the Sec-  
13 retary shall obligate the funds for the grant involved.

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

16 “(A) shall distribute the funds to project  
17 sponsors (in advance of expenditures by the  
18 project sponsors); and

19 “(B) shall distribute the appropriate por-  
20 tion of the funds to a project sponsor not later  
21 than 45 days after receiving a request for such  
22 distribution from the project sponsor.

23 “(4) EXPENDITURE OF FUNDS.—The Secretary  
24 may establish a date by which funds made available  
25 through a grant announced under subsection (c)(2)

1 for a homeless assistance project shall be entirely ex-  
2 pended by the recipient or project sponsors involved.  
3 The date established under this paragraph shall not  
4 occur before the expiration of the 24-month period  
5 beginning on the date that funds are obligated for  
6 activities described under paragraphs (1) or (2) of  
7 section 423(a). The Secretary shall recapture the  
8 funds not expended by such date. The Secretary  
9 shall reallocate the funds for another homeless as-  
10 sistance and prevention project that meets the re-  
11 quirements of this subtitle to be carried out, if pos-  
12 sible and appropriate, in the same geographic area  
13 as the area served through the original grant.

14 “(e) RENEWAL FUNDING FOR UNSUCCESSFUL AP-  
15 PPLICANTS.—The Secretary may renew funding for a spe-  
16 cific project previously funded under this subtitle that the  
17 Secretary determines meets the purposes of this subtitle,  
18 and was included as part of a total application that met  
19 the criteria of subsection (c), even if the application was  
20 not selected to receive grant assistance. The Secretary  
21 may renew the funding for a period of not more than 1  
22 year, and under such conditions as the Secretary deter-  
23 mines to be appropriate.

24 “(f) CONSIDERATIONS IN DETERMINING RENEWAL  
25 FUNDING.—When providing renewal funding for leasing,

1 operating costs, or rental assistance for permanent hous-  
2 ing, the Secretary shall make adjustments proportional to  
3 increases in the fair market rents in the geographic area.

4 “(g) MORE THAN ONE APPLICATION FOR A GEO-  
5 GRAPHIC AREA.—If more than one collaborative applicant  
6 applies for funds for a geographic area, the Secretary shall  
7 award funds to the collaborative applicant with the highest  
8 score based on the selection criteria set forth in section  
9 427.

10 “(h) APPEALS.—

11 “(1) IN GENERAL.—The Secretary shall estab-  
12 lish a timely appeal procedure for grant amounts  
13 awarded or denied under this subtitle pursuant to a  
14 collaborative application or solo application for fund-  
15 ing.

16 “(2) PROCESS.—The Secretary shall ensure  
17 that the procedure permits appeals submitted by en-  
18 tities carrying out homeless housing and services  
19 projects (including emergency shelters and homeless-  
20 ness prevention programs), and all other applicants  
21 under this subtitle.

22 “(i) SOLO APPLICANTS.—A solo applicant may sub-  
23 mit an application to the Secretary for a grant under sub-  
24 section (a) and be awarded such grant on the same basis  
25 as such grants are awarded to other applicants based on

1 the criteria described in section 427, but only if the Sec-  
2 retary determines that the solo applicant has attempted  
3 to participate in the continuum of care process but was  
4 not permitted to participate in a reasonable manner. The  
5 Secretary may award such grants directly to such appli-  
6 cants in a manner determined to be appropriate by the  
7 Secretary.

8 “(j) FLEXIBILITY TO SERVE PERSONS DEFINED AS  
9 HOMELESS UNDER OTHER FEDERAL LAWS.—

10 “(1) IN GENERAL.—A collaborative applicant  
11 may use not more than 10 percent of funds awarded  
12 under this subtitle (continuum of care funding) for  
13 any of the types of eligible activities specified in  
14 paragraphs (1) through (7) of section 423(a) to  
15 serve families with children and youth defined as  
16 homeless under other Federal statutes, or homeless  
17 families with children and youth defined as homeless  
18 under section 103(a)(6), but only if the applicant  
19 demonstrates that the use of such funds is of an  
20 equal or greater priority or is equally or more cost  
21 effective in meeting the overall goals and objectives  
22 of the plan submitted under section 427(b)(1)(B),  
23 especially with respect to children and unaccom-  
24 panied youth.

1           “(2) LIMITATIONS.—The 10 percent limitation  
2           under paragraph (1) shall not apply to collaborative  
3           applicants in which the rate of homelessness, as cal-  
4           culated in the most recent point in time count, is  
5           less than one-tenth of 1 percent of total population.

6           “(3) TREATMENT OF CERTAIN POPULATIONS.—

7           “(A) IN GENERAL.—Notwithstanding sec-  
8           tion 103(a) and subject to subparagraph (B),  
9           funds awarded under this subtitle may be used  
10          for eligible activities to serve unaccompanied  
11          youth and homeless families and children de-  
12          fined as homeless under section 103(a)(6) only  
13          pursuant to paragraph (1) of this subsection  
14          and such families and children shall not other-  
15          wise be considered as homeless for purposes of  
16          this subtitle.

17          “(B) AT RISK OF HOMELESSNESS.—Sub-  
18          paragraph (A) may not be construed to prevent  
19          any unaccompanied youth and homeless families  
20          and children defined as homeless under section  
21          103(a)(6) from qualifying for, and being treat-  
22          ed for purposes of this subtitle as, at risk of  
23          homelessness or from eligibility for any  
24          projects, activities, or services carried out using  
25          amounts provided under this subtitle for which

1 individuals or families that are at risk of home-  
2 lessness are eligible.”.

3 **SEC. 302. ELIGIBLE ACTIVITIES.**

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

7 **“SEC. 423. ELIGIBLE ACTIVITIES.**

8 “(a) IN GENERAL.—Grants awarded under section  
9 422 to qualified applicants shall be used to carry out  
10 projects that serve homeless individuals or families that  
11 consist of one or more of the following eligible activities:

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

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

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

22 “(4) Provision of rental assistance to provide  
23 transitional or permanent housing to eligible per-  
24 sons. The rental assistance may include tenant-  
25 based, project-based, or sponsor-based rental assist-

1       ance. Project-based rental assistance, sponsor-based  
2       rental assistance, and operating cost assistance con-  
3       tracts carried out by project sponsors receiving  
4       grants under this section may, at the discretion of  
5       the applicant and the project sponsor, have an initial  
6       term of 15 years, with assistance for the first 5  
7       years paid with funds authorized for appropriation  
8       under this Act, and assistance for the remainder of  
9       the term treated as a renewal of an expiring con-  
10      tract as provided in section 429. Project-based rent-  
11      al assistance may include rental assistance to pre-  
12      serve existing permanent supportive housing for  
13      homeless individuals and families.

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

19           “(6) Supportive services for individuals and  
20      families who are currently homeless, who have been  
21      homeless in the prior 6 months but are currently re-  
22      siding in permanent housing, or who were previously  
23      homeless and are currently residing in permanent  
24      supportive housing.

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

7           “(A) are effective at moving homeless indi-  
8 viduals and families immediately into housing;  
9 or

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

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

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

21           “(10) In the case of a collaborative applicant  
22 that is a legal entity, payment of administrative  
23 costs related to meeting the requirements described  
24 in paragraphs (1) and (2) of section 402(f), for  
25 which the collaborative applicant may use not more

1 than 3 percent of the total funds made available in  
2 the geographic area under this subtitle for such  
3 costs.

4 “(11) In the case of a collaborative applicant  
5 that is a unified funding agency under section  
6 402(g), payment of administrative costs related to  
7 meeting the requirements of that section, for which  
8 the unified funding agency may use not more than  
9 3 percent of the total funds made available in the  
10 geographic area under this subtitle for such costs, in  
11 addition to funds used under paragraph (10).

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

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

20 “(c) USE RESTRICTIONS.—

21 “(1) ACQUISITION, REHABILITATION, AND NEW  
22 CONSTRUCTION.—A project that consists of activities  
23 described in paragraph (1) or (2) of subsection (a)  
24 shall be operated for the purpose specified in the ap-

1       plication submitted for the project under section 422  
2       for not less than 15 years.

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

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

19               “(d) REPAYMENT OF ASSISTANCE AND PREVENTION  
20       OF UNDUE BENEFITS.—

21               “(1) REPAYMENT.—If a recipient or project  
22       sponsor receives assistance under section 422 to  
23       carry out a project that consists of activities de-  
24       scribed in paragraph (1) or (2) of subsection (a) and

1 the project ceases to provide transitional or perma-  
2 nent housing—

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

7 “(B) not earlier than 10 years, but earlier  
8 than 15 years, after operation of the project be-  
9 gins, the Secretary shall require the recipient or  
10 project sponsor to repay 20 percent of the as-  
11 sistance for each of the years in the 15-year pe-  
12 riod for which the project fails to provide that  
13 housing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12             “(b) APPLICATION.—

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

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

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

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

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

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

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

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

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

20           “(2) for any of the eligible activities described  
21           in paragraphs (4) and (5) of section 415(a).

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

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

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

6                   “(A) is less than 20 days; or

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

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

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

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

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

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

1           sistance services available in that geographic  
2           area; and

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

7           “(4) EFFECTIVENESS OF PREVIOUS ACTIVI-  
8           TIES.—If recipients in the geographic area have  
9           used funding awarded under section 422(a) for eligi-  
10          ble activities described under section 415(a) in pre-  
11          vious years based on the authority granted under  
12          subsection (c), that such activities were effective at  
13          reducing the number of individuals and families who  
14          became homeless in that community.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 administrative costs described in section 423(a)(11),  
2 to establish such fiscal control and fund accounting  
3 procedures as may be necessary to assure the proper  
4 disbursement of, and accounting for, such funds in order  
5 to ensure that all financial transactions carried out  
6 with such funds are conducted, and records main-  
7 tained, in accordance with generally accepted ac-  
8 counting principles;

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

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

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

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

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

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

3 (4) by striking subsection (e);

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

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

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

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

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

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

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

18 and

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

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

1 **“SEC. 427. SELECTION CRITERIA.**

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

6       “(b) REQUIRED CRITERIA.—

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

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

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

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

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

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

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

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

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

17          “(viii) for collaborative applicants that  
18          have exercised the authority under section  
19          422(j) to serve families with children and  
20          youth defined as homeless under other  
21          Federal statutes, success in achieving the  
22          goals and outcomes identified in section  
23          427(b)(1)(F);

24          “(B) the plan of the recipient, which shall  
25          describe—

1           “(i) how the number of individuals  
2           and families who become homeless will be  
3           reduced in the community;

4           “(ii) how the length of time that indi-  
5           viduals and families remain homeless will  
6           be reduced;

7           “(iii) how the recipient will collaborate  
8           with local education authorities to assist in  
9           the identification of individuals and fami-  
10          lies who become or remain homeless and  
11          are informed of their eligibility for services  
12          under subtitle B of title VII of this Act  
13          (42 U.S.C. 11431 et seq.);

14          “(iv) the extent to which the recipient  
15          will—

16               “(I) address the needs of all rel-  
17               evant subpopulations;

18               “(II) incorporate comprehensive  
19               strategies for reducing homelessness,  
20               including the interventions referred to  
21               in section 428(d);

22               “(III) set quantifiable perform-  
23               ance measures;

24               “(IV) set timelines for completion  
25               of specific tasks;

1                   “(V) identify specific funding  
2                   sources for planned activities; and

3                   “(VI) identify an individual or  
4                   body responsible for overseeing imple-  
5                   mentation of specific strategies; and

6                   “(v) whether the recipient proposes to  
7                   exercise authority to use funds under sec-  
8                   tion 422(j), and if so, how the recipient  
9                   will achieve the goals and outcomes identi-  
10                  fied in section 427(b)(1)(F);

11                  “(C) the methodology of the recipient used  
12                  to determine the priority for funding local  
13                  projects under section 422(c)(1), including the  
14                  extent to which the priority-setting process—

15                  “(i) uses periodically collected infor-  
16                  mation and analysis to determine the ex-  
17                  tent to which each project has resulted in  
18                  rapid return to permanent housing for  
19                  those served by the project, taking into ac-  
20                  count the severity of barriers faced by the  
21                  people the project serves;

22                  “(ii) considers the full range of opin-  
23                  ions from individuals or entities with  
24                  knowledge of homelessness in the geo-  
25                  graphic area or an interest in preventing

1 or ending homelessness in the geographic  
2 area;

3 “(iii) is based on objective criteria  
4 that have been publicly announced by the  
5 recipient; and

6 “(iv) is open to proposals from enti-  
7 ties that have not previously received funds  
8 under this subtitle;

9 “(D) the extent to which the amount of as-  
10 sistance to be provided under this subtitle to  
11 the recipient will be supplemented with re-  
12 sources from other public and private sources,  
13 including mainstream programs identified by  
14 the Government Accountability Office in the  
15 two reports described in section 203(a)(7);

16 “(E) demonstrated coordination by the re-  
17 cipient with the other Federal, State, local, pri-  
18 vate, and other entities serving individuals and  
19 families experiencing homelessness and at risk  
20 of homelessness in the planning and operation  
21 of projects;

22 “(F) for collaborative applicants exercising  
23 the authority under section 422(j) to serve  
24 homeless families with children and youth de-  
25 fined as homeless under other Federal statutes,

1 program goals and outcomes, which shall in-  
2 clude—

3 “(i) preventing homelessness among  
4 the subset of such families with children  
5 and youth who are at highest risk of be-  
6 coming homeless, as such term is defined  
7 for purposes of this title; or

8 “(ii) achieving independent living in  
9 permanent housing among such families  
10 with children and youth, especially those  
11 who have a history of doubled-up and other  
12 temporary housing situations or are living  
13 in a temporary housing situation due to  
14 lack of available and appropriate emer-  
15 gency shelter, through the provision of eli-  
16 gible assistance that directly contributes to  
17 achieving such results including assistance  
18 to address chronic disabilities, chronic  
19 physical health or mental health condi-  
20 tions, substance addiction, histories of do-  
21 mestic violence or childhood abuse, or mul-  
22 tiple barriers to employment; and

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

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

7                   “(A) NOTICE.—The Secretary shall inform  
8                   each collaborative applicant, at a time concu-  
9                   rent with the release of the notice of funding  
10                  availability for the grants, of the pro rata esti-  
11                  mated grant amount under this subtitle for the  
12                  geographic area represented by the collaborative  
13                  applicant.

14                  “(B) AMOUNT.—

15                   “(i) INITIAL DETERMINATION PE-  
16                   RIOD.—For the 2-year period beginning on  
17                   the date of the enactment of the Homeless  
18                   Emergency Assistance and Rapid Transi-  
19                   tion to Housing Act of 2008, the estimated  
20                   need amount under subparagraph (A) shall  
21                   be determined by the Secretary.

22                   “(ii) FINAL DETERMINATION PE-  
23                   RIOD.—

24                   “(I) IN GENERAL.—Upon expira-  
25                   tion of the 2-year period set forth

1 under clause (i), the Secretary shall  
2 develop and adopt regulations estab-  
3 lishing a new formula for determining  
4 the estimated need amount under sub-  
5 paragraph (A).

6 “(II) BEST DATA.—The new for-  
7 mula developed under subclause (I)  
8 shall use the best currently available  
9 data that targets such need amount to  
10 actual rates of homelessness and the  
11 risk of homelessness in the geographic  
12 area represented by the collaborative  
13 applicant.

14 “(III) CONSIDERATIONS.—In de-  
15 veloping the new formula required  
16 under subclause (I), the Secretary  
17 shall give—

18 “(aa) significant consider-  
19 ation to data providing accurate  
20 counts of—

21 “(AA) the current num-  
22 ber of homeless individuals  
23 in the geographic area rep-  
24 resented by the collaborative  
25 applicant;

1 “(BB) shortages of af-  
2 fordable housing in the geo-  
3 graphic area represented by  
4 the collaborative applicant;  
5 and

6 “(CC) the severe hous-  
7 ing problems among ex-  
8 tremely low-income house-  
9 holds in the geographic area  
10 represented by the collabo-  
11 rative applicant; and

12 “(bb) particular attention to  
13 variables measuring—

14 “(AA) shortages of  
15 housing affordable and  
16 available to extremely low-  
17 income renters in the geo-  
18 graphic area represented by  
19 the collaborative applicant;

20 “(BB) the number of  
21 extremely low-income house-  
22 holds in the geographic area  
23 represented by the collabo-  
24 rative applicant who experi-  
25 ence severe cost burden, live

1 in substandard housing, or  
2 have crowding problems; and  
3 “(CC) the poverty rate  
4 in the geographic area rep-  
5 resented by the collaborative  
6 applicant.

7 “(iii) COMBINATIONS OR CON-  
8 SORTIA.—For a collaborative applicant  
9 that represents a combination or consor-  
10 tium of cities or counties, the estimated  
11 need amount shall be the sum of the esti-  
12 mated need amounts for the cities or coun-  
13 ties represented by the collaborative appli-  
14 cant.

15 “(iv) AUTHORITY OF SECRETARY.—  
16 Subject to the availability of appropria-  
17 tions, the Secretary shall increase the esti-  
18 mated need amount for a geographic area  
19 if necessary to provide 1 year of renewal  
20 funding for all expiring contracts entered  
21 into under this subtitle for the geographic  
22 area.

23 “(3) HOMELESSNESS COUNTS.—The Secretary  
24 shall not require that communities conduct an actual  
25 count of homeless people other than those described

1 in paragraphs (1) through (4) of section 103(a) of  
2 this Act (42 U.S.C. 11302(a)).

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

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

8 “(2) to ensure that collaborative applicants are  
9 not discouraged from replacing renewal projects with  
10 new projects that the collaborative applicant deter-  
11 mines will better be able to meet the purposes of this  
12 Act.

13 **“SEC. 428. ALLOCATION OF AMOUNTS AND INCENTIVES**  
14 **FOR SPECIFIC ELIGIBLE ACTIVITIES.**

15 “(a) MINIMUM ALLOCATION FOR PERMANENT HOUS-  
16 ING FOR HOMELESS INDIVIDUALS AND FAMILIES WITH  
17 DISABILITIES.—

18 “(1) IN GENERAL.—From the amounts made  
19 available to carry out this subtitle for a fiscal year,  
20 a portion equal to not less than 30 percent of the  
21 sums made available to carry out subtitle B and this  
22 subtitle, shall be used for permanent housing for  
23 homeless individuals with disabilities and homeless  
24 families that include such an individual who is an

1 adult or a minor head of household if no adult is  
2 present in the household.

3 “(2) CALCULATION.—In calculating the portion  
4 of the amount described in paragraph (1) that is  
5 used for activities that are described in paragraph  
6 (1), the Secretary shall not count funds made avail-  
7 able to renew contracts for existing projects under  
8 section 429.

9 “(3) ADJUSTMENT.—The 30-percent figure in  
10 paragraph (1) shall be reduced proportionately based  
11 on need under section 427(b)(2) in geographic areas  
12 for which subsection (e) applies in regard to sub-  
13 section (d)(2)(A).

14 “(4) SUSPENSION.—The requirement estab-  
15 lished in paragraph (1) shall be suspended for any  
16 year in which available funding for grants under this  
17 subtitle would not be sufficient to renew for 1-year  
18 existing grants that would otherwise be funded  
19 under this subtitle.

20 “(5) TERMINATION.—The requirement estab-  
21 lished in paragraph (1) shall terminate upon a find-  
22 ing by the Secretary that since the beginning of  
23 2001 at least 150,000 new units of permanent hous-  
24 ing for homeless individuals and families with dis-  
25 abilities have been funded under this subtitle.

1       “(b) SET-ASIDE FOR PERMANENT HOUSING FOR  
2 HOMELESS FAMILIES WITH CHILDREN.—From the  
3 amounts made available to carry out this subtitle for a  
4 fiscal year, a portion equal to not less than 10 percent  
5 of the sums made available to carry out subtitle B and  
6 this subtitle for that fiscal year shall be used to provide  
7 or secure permanent housing for homeless families with  
8 children.

9       “(c) TREATMENT OF AMOUNTS FOR PERMANENT OR  
10 TRANSITIONAL HOUSING.—Nothing in this Act may be  
11 construed to establish a limit on the amount of funding  
12 that an applicant may request under this subtitle for ac-  
13 quisition, construction, or rehabilitation activities for the  
14 development of permanent housing or transitional hous-  
15 ing.

16       “(d) INCENTIVES FOR PROVEN STRATEGIES.—

17               “(1) IN GENERAL.—The Secretary shall provide  
18 bonuses or other incentives to geographic areas for  
19 using funding under this subtitle for activities that  
20 have been proven to be effective at reducing home-  
21 lessness generally, reducing homelessness for a spe-  
22 cific subpopulation, or achieving homeless prevention  
23 and independent living goals as set forth in section  
24 427(b)(1)(F).

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

6           “(A) permanent supportive housing for  
7 chronically homeless individuals and families;

8           “(B) for homeless families, rapid rehousing  
9 services, short-term flexible subsidies to over-  
10 come barriers to rehousing, support services  
11 concentrating on improving incomes to pay  
12 rent, coupled with performance measures em-  
13 phasizing rapid and permanent rehousing and  
14 with leveraging funding from mainstream fam-  
15 ily service systems such as Temporary Assist-  
16 ance for Needy Families and Child Welfare  
17 services; and

18           “(C) any other activity determined by the  
19 Secretary, based on research and after notice  
20 and comment to the public, to have been proven  
21 effective at reducing homelessness generally, re-  
22 ducing homelessness for a specific subpopula-  
23 tion, or achieving homeless prevention and inde-  
24 pendent living goals as set forth in section  
25 427(b)(1)(F).

1           “(3) BALANCE OF INCENTIVES FOR PROVEN  
2 STRATEGIES.—To the extent practicable, in pro-  
3 viding bonuses or incentives for proven strategies,  
4 the Secretary shall seek to maintain a balance  
5 among strategies targeting homeless individuals,  
6 families, and other subpopulations. The Secretary  
7 shall not implement bonuses or incentives that spe-  
8 cifically discourage collaborative applicants from ex-  
9 ercising their flexibility to serve families with chil-  
10 dren and youth defined as homeless under other  
11 Federal statutes.

12           “(e) INCENTIVES FOR SUCCESSFUL IMPLEMENTA-  
13 TION OF PROVEN STRATEGIES.—If any geographic area  
14 demonstrates that it has fully implemented any of the ac-  
15 tivities described in subsection (d) for all homeless individ-  
16 uals and families or for all members of subpopulations for  
17 whom such activities are targeted, that geographic area  
18 shall receive the bonus or incentive provided under sub-  
19 section (d), but may use such bonus or incentive for any  
20 eligible activity under either section 423 or paragraphs (4)  
21 and (5) of section 415(a) for homeless people generally  
22 or for the relevant subpopulation.

1 **“SEC. 429. RENEWAL FUNDING AND TERMS OF ASSISTANCE**  
2 **FOR PERMANENT HOUSING.**

3 “(a) IN GENERAL.—Of the total amount available in  
4 the account or accounts designated for appropriations for  
5 use in connection with section 8 of the United States  
6 Housing Act of 1937 (42 U.S.C. 1437f), the Secretary  
7 shall use such sums as may be necessary for the purpose  
8 of renewing expiring contracts for leasing, rental assist-  
9 ance, or operating costs for permanent housing.

10 “(b) RENEWALS.—The sums made available under  
11 subsection (a) shall be available for the renewal of con-  
12 tracts in the case of tenant-based assistance, successive  
13 1-year terms, and in the case of project-based assistance,  
14 successive terms of up to 15 years at the discretion of the  
15 applicant or project sponsor and subject to the availability  
16 of annual appropriations, for rental assistance and hous-  
17 ing operation costs associated with permanent housing  
18 projects funded under this subtitle, or under subtitle C  
19 or F (as in effect on the day before the effective date of  
20 the Homeless Emergency Assistance and Rapid Transition  
21 to Housing Act of 2008). The Secretary shall determine  
22 whether to renew a contract for such a permanent housing  
23 project on the basis of certification by the collaborative  
24 applicant for the geographic area that—

25 “(1) there is a demonstrated need for the  
26 project; and

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

4           “(c) CONSTRUCTION.—Nothing in this section shall  
5           be construed as prohibiting the Secretary from renewing  
6           contracts under this subtitle in accordance with criteria  
7           set forth in a provision of this subtitle other than this sec-  
8           tion.

9           **“SEC. 430. MATCHING FUNDING.**

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

22          “(b) LIMITATIONS ON IN-KIND MATCH.—The cash  
23          value of services provided to the residents or clients of a  
24          project sponsor by an entity other than the project sponsor  
25          may count toward the contributions in subsection (a) only

1 when documented by a memorandum of understanding be-  
2 tween the project sponsor and the other entity that such  
3 services will be provided.

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

6 “(1) funding for any eligible activity described  
7 under section 423; and

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

11 **“SEC. 431. APPEAL PROCEDURE.**

12 “(a) IN GENERAL.—With respect to funding under  
13 this subtitle, if certification of consistency with the consoli-  
14 dated plan pursuant to section 403 is withheld from an  
15 applicant who has submitted an application for that cer-  
16 tification, such applicant may appeal such decision to the  
17 Secretary.

18 “(b) PROCEDURE.—The Secretary shall establish a  
19 procedure to process the appeals described in subsection  
20 (a).

21 “(c) DETERMINATION.—Not later than 45 days after  
22 the date of receipt of an appeal described in subsection  
23 (a), the Secretary shall determine if certification was un-  
24 reasonably withheld. If such certification was unreason-  
25 ably withheld, the Secretary shall review such application

1 and determine if such applicant shall receive funding  
2 under this subtitle.”.

3 **SEC. 306. RESEARCH.**

4 There is authorized to be appropriated \$8,000,000,  
5 for each of fiscal years 2009 and 2010, for research into  
6 the efficacy of interventions for homeless families, to be  
7 expended by the Secretary of Housing and Urban Develop-  
8 ment over the 2 years at three different sites to provide  
9 services for homeless families and evaluate the effective-  
10 ness of such services.

11 **TITLE IV—RURAL HOUSING STA-**  
12 **BILITY ASSISTANCE PRO-**  
13 **GRAM**

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

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

18 (1) by striking the subtitle heading and insert-  
19 ing the following:

20 **“Subtitle G—Rural Housing**  
21 **Stability Assistance Program”;** and

22 (2) in section 491—

23 (A) by striking the section heading and in-  
24 serting **“RURAL HOUSING STABILITY**  
25 **GRANT PROGRAM.”;**

1 (B) in subsection (a)—

2 (i) by striking “rural homelessness  
3 grant program” and inserting “rural hous-  
4 ing stability grant program”;

5 (ii) by inserting “in lieu of grants  
6 under subtitle C” after “eligible organiza-  
7 tions”; and

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

10 “(1) rehousing or improving the housing situa-  
11 tions of individuals and families who are homeless or  
12 in the worst housing situations in the geographic  
13 area;

14 “(2) stabilizing the housing of individuals and  
15 families who are in imminent danger of losing hous-  
16 ing; and

17 “(3) improving the ability of the lowest-income  
18 residents of the community to afford stable hous-  
19 ing.”;

20 (C) in subsection (b)(1)—

21 (i) by redesignating subparagraphs  
22 (E), (F), and (G) as subparagraphs (I),  
23 (J), and (K), respectively; and

24 (ii) by striking subparagraph (D) and  
25 inserting the following:

1           “(D) construction of new housing units to  
2 provide transitional or permanent housing to  
3 homeless individuals and families and individ-  
4 uals and families at risk of homelessness;

5           “(E) acquisition or rehabilitation of a  
6 structure to provide supportive services or to  
7 provide transitional or permanent housing,  
8 other than emergency shelter, to homeless indi-  
9 viduals and families and individuals and fami-  
10 lies at risk of homelessness;

11           “(F) leasing of property, or portions of  
12 property, not owned by the recipient or project  
13 sponsor involved, for use in providing transi-  
14 tional or permanent housing to homeless indi-  
15 viduals and families and individuals and fami-  
16 lies at risk of homelessness, or providing sup-  
17 portive services to such homeless and at-risk in-  
18 dividuals and families;

19           “(G) provision of rental assistance to pro-  
20 vide transitional or permanent housing to home-  
21 less individuals and families and individuals and  
22 families at risk of homelessness, such rental as-  
23 sistance may include tenant-based or project-  
24 based rental assistance;

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

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

5           (E) in subsection (c)—

6           (i) in paragraph (1)(A), by striking  
7           “appropriated” and inserting “trans-  
8           ferred”; and

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

11          (F) in subsection (d)—

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

14          (ii) in paragraph (6)—

15                 (I) by striking “an agreement”  
16                 and all that follows through “fami-  
17                 lies” and inserting the following: “a  
18                 description of how individuals and  
19                 families who are homeless or who have  
20                 the lowest incomes in the community  
21                 will be involved by the organization”;  
22                 and

23                 (II) by striking the period at the  
24                 end, and inserting a semicolon; and

1 (iii) by adding at the end the fol-  
2 lowing:

3 “(7) a description of consultations that took  
4 place within the community to ascertain the most  
5 important uses for funding under this section, in-  
6 cluding the involvement of potential beneficiaries of  
7 the project; and

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

11 (G) by striking subsections (f) and (g) and  
12 inserting the following:

13 “(f) MATCHING FUNDING.—

14 “(1) IN GENERAL.—An organization eligible to  
15 receive a grant under subsection (a) shall specify  
16 matching contributions from any source other than  
17 a grant awarded under this subtitle, that shall be  
18 made available in the geographic area in an amount  
19 equal to not less than 25 percent of the funds pro-  
20 vided for the project or activity, except that grants  
21 for leasing shall not be subject to any match require-  
22 ment.

23 “(2) LIMITATIONS ON IN-KIND MATCH.—The  
24 cash value of services provided to the beneficiaries or  
25 clients of an eligible organization by an entity other

1 than the organization may count toward the con-  
2 tributions in paragraph (1) only when documented  
3 by a memorandum of understanding between the or-  
4 ganization and the other entity that such services  
5 will be provided.

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

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

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

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

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

19 “(2) the degree to which the project addresses  
20 the most harmful housing situations present in the  
21 community;

22 “(3) the degree of collaboration with others in  
23 the community to meet the goals described in sub-  
24 section (a);

1           “(4) the performance of the organization in im-  
2           proving housing situations, taking account of the se-  
3           verity of barriers of individuals and families served  
4           by the organization;

5           “(5) for organizations that have previously re-  
6           ceived funding under this section, the extent of im-  
7           provement in homelessness and the worst housing  
8           situations in the community since such funding  
9           began;

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

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

14           (H) in subsection (h)—

15           (i) in paragraph (1)(A)—

16           (I) by striking “The” and insert-  
17           ing “Not later than 18 months after  
18           funding is first made available pursu-  
19           ant to the amendments made by title  
20           IV of the Homeless Emergency As-  
21           sistance and Rapid Transition to  
22           Housing Act of 2008, the”; and

23           (II) by striking “providing hous-  
24           ing and other assistance to homeless

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

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

7 (iii) in paragraph (2)—

8 (I) by striking “The” and insert-  
9 ing “Not later than 24 months after  
10 funding is first made available pursu-  
11 ant to the amendment made by title  
12 IV of the Homeless Emergency As-  
13 sistance and Rapid Transition to  
14 Housing Act of 2008, the”;

15 (II) by striking “, not later than  
16 18 months after the date on which the  
17 Secretary first makes grants under  
18 the program,”; and

19 (III) by striking “prevent and re-  
20 spond to homelessness” and inserting  
21 “meet the goals described in sub-  
22 section (a)”;

23 (I) in subsection (k)—

24 (i) in paragraph (1), by striking  
25 “rural homelessness grant program” and

1 inserting “rural housing stability grant  
2 program”; and

3 (ii) in paragraph (2)—

4 (I) in subparagraph (A), by strik-  
5 ing “; or” and inserting a semicolon;

6 (II) in subparagraph (B)(ii), by  
7 striking “rural census tract.” and in-  
8 serting “county where at least 75 per-  
9 cent of the population is rural; or”;  
10 and

11 (III) by adding at the end the  
12 following:

13 “(C) any area or community, respectively,  
14 located in a State that has population density  
15 of less than 30 persons per square mile (as re-  
16 ported in the most recent decennial census),  
17 and of which at least 1.25 percent of the total  
18 acreage of such State is under Federal jurisdic-  
19 tion, provided that no metropolitan city (as  
20 such term is defined in section 102 of the  
21 Housing and Community Development Act of  
22 1974) in such State is the sole beneficiary of  
23 the grant amounts awarded under this sec-  
24 tion.”;

25 (J) in subsection (l)—

1 (i) by striking the subsection heading  
2 and inserting “PROGRAM FUNDING.—”;  
3 and

4 (ii) by striking paragraph (1) and in-  
5 sserting the following:

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

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

19 “(m) DIVISION OF FUNDS.—

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

1 proceed under either this subtitle or under subtitle  
2 C.

3 “(2) DEFAULT IF NO AGREEMENT.—If no  
4 agreement is reached under paragraph (1), the Sec-  
5 retary shall proceed under this subtitle or under sub-  
6 title C, depending on which results in the largest  
7 total grant funding to the geographic area.”.

8 **SEC. 402. GAO STUDY OF HOMELESSNESS AND HOMELESS**  
9 **ASSISTANCE IN RURAL AREAS.**

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

18 (1) A general description of homelessness, in-  
19 cluding the range of living situations among home-  
20 less individuals and homeless families, in rural areas  
21 and rural communities of the United States, includ-  
22 ing tribal lands and colonias.

23 (2) An estimate of the incidence and prevalence  
24 of homelessness among individuals and families in

1 rural areas and rural communities of the United  
2 States.

3 (3) An estimate of the number of individuals  
4 and families from rural areas and rural communities  
5 who migrate annually to non-rural areas and non-  
6 rural communities for homeless assistance.

7 (4) A description of barriers that individuals  
8 and families in and from rural areas and rural com-  
9 munities encounter when seeking to access homeless  
10 assistance programs, and recommendations for re-  
11 moving such barriers.

12 (5) A comparison of the rate of homelessness  
13 among individuals and families in and from rural  
14 areas and rural communities compared to the rate of  
15 homelessness among individuals and families in and  
16 from non-rural areas and non-rural communities.

17 (6) A general description of homeless assistance  
18 for individuals and families in rural areas and rural  
19 communities of the United States.

20 (7) A description of barriers that homeless as-  
21 sistance providers serving rural areas and rural com-  
22 munities encounter when seeking to access Federal  
23 homeless assistance programs, and recommendations  
24 for removing such barriers.

1           (8) An assessment of the type and amount of  
2       Federal homeless assistance funds awarded to orga-  
3       nizations serving rural areas and rural communities  
4       and a determination as to whether such amount is  
5       proportional to the distribution of homeless individ-  
6       uals and families in and from rural areas and rural  
7       communities compared to homeless individuals and  
8       families in non-rural areas and non-rural commu-  
9       nities.

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

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

25           (1) The Secretary of Agriculture.

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

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

5           (4) The Secretary of Education.

6           (5) The Secretary of Labor.

7           (6) The Secretary of Veterans Affairs.

8           (7) The Executive Director of the United States  
9           Interagency Council on Homelessness.

10          (8) Project sponsors and recipients of homeless  
11          assistance grants serving rural areas and rural com-  
12          munities.

13          (9) Individuals and families in or from rural  
14          areas and rural communities who have sought or are  
15          seeking Federal homeless assistance services.

16          (10) National advocacy organizations concerned  
17          with homelessness, rural housing, and rural commu-  
18          nity development.

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

1                   **TITLE V—REPEALS AND**  
2                   **CONFORMING AMENDMENTS**

3   **SEC. 501. REPEALS.**

4           Subtitles D, E, and F of title IV of the McKinney-  
5 Vento Homeless Assistance Act (42 U.S.C. 11391 et seq.,  
6 11401 et seq., and 11403 et seq.) are hereby repealed.

7   **SEC. 502. CONFORMING AMENDMENTS.**

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

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

13                   (2) by inserting before the comma the following:  
14 “(referred to in such section as a ‘comprehensive  
15 housing affordability strategy’)”.

16           (b) **PERSONS EXPERIENCING HOMELESSNESS.**—Sec-  
17 tion 103 of the McKinney-Vento Homeless Assistance Act  
18 (42 U.S.C. 11302), as amended by the preceding provi-  
19 sions of this Act, is further amended by adding at the end  
20 the following new subsection:

21                   “(e) **PERSONS EXPERIENCING HOMELESSNESS.**—  
22 Any references in this Act to homeless individuals (includ-  
23 ing homeless persons) or homeless groups (including  
24 homeless persons) shall be considered to include, and to

1 refer to, individuals experiencing homelessness or groups  
2 experiencing homelessness, respectively.”.

3 (c) **RURAL HOUSING STABILITY ASSISTANCE.**—Title  
4 IV of the McKinney-Vento Homeless Assistance Act is  
5 amended by redesignating subtitle G (42 U.S.C. 11408  
6 et seq.), as amended by the preceding provisions of this  
7 Act, as subtitle D.

8 **SEC. 503. EFFECTIVE DATE.**

9 Except as specifically provided otherwise in this Act,  
10 this Act and the amendments made by this Act shall take  
11 effect on, and shall apply beginning on—

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

14 (2) the expiration of the 3-month period begin-  
15 ning upon publication by the Secretary of Housing  
16 and Urban Development of final regulations pursu-  
17 ant to section 504,

18 whichever occurs first.

19 **SEC. 504. REGULATIONS.**

20 (a) **IN GENERAL.**—Not later than 12 months after  
21 the date of the enactment of this Act, the Secretary of  
22 Housing and Urban Development shall promulgate regula-  
23 tions governing the operation of the programs that are  
24 created or modified by this Act.

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

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

4 The table of contents in section 101(b) of the McKin-  
5 ney-Vento Homeless Assistance Act (42 U.S.C. 11301  
6 note) is amended by striking the item relating to the head-  
7 ing for title IV and all that follows through the item relat-  
8 ing to section 492 and inserting the following new items:

“TITLE IV—HOUSING ASSISTANCE

“Subtitle A—General Provisions

- “Sec. 401. Definitions.
- “Sec. 402. Collaborative applicants.
- “Sec. 403. Housing affordability strategy.
- “Sec. 404. Preventing involuntary family separation
- “Sec. 405. Technical assistance.
- “Sec. 406. Discharge coordination policy.
- “Sec. 407. Protection of personally identifying information by victim service providers.
- “Sec. 408. Authorization of appropriations.

“Subtitle B—Emergency Solutions Grants Program

- “Sec. 411. Definitions.
- “Sec. 412. Grant assistance.
- “Sec. 413. Amount and allocation of assistance.
- “Sec. 414. Allocation and distribution of assistance.
- “Sec. 415. Eligible activities.
- “Sec. 416. Responsibilities of recipients.
- “Sec. 417. Administrative provisions.
- “Sec. 418. Administrative costs.

“Subtitle C—Continuum of Care Program

- “Sec. 421. Purposes.
- “Sec. 422. Continuum of care applications and grants.
- “Sec. 423. Eligible activities.
- “Sec. 424. Incentives for high-performing communities.
- “Sec. 425. Supportive services.
- “Sec. 426. Program requirements.
- “Sec. 427. Selection criteria.
- “Sec. 428. Allocation of amounts and incentives for specific eligible activities.
- “Sec. 429. Renewal funding and terms of assistance for permanent housing.
- “Sec. 430. Matching funding.
- “Sec. 431. Appeal procedure.
- “Sec. 432. Regulations.

“Sec. 433. Reports to Congress.

“Subtitle D—Rural Housing Stability Assistance Program

“Sec. 491. Rural housing stability assistance.

“Sec. 492. Use of FHMA inventory for transitional housing for homeless persons and for turnkey housing.”.

