

110TH CONGRESS
1ST SESSION

H. R. 840

To amend the McKinney-Vento Homeless Assistance Act to consolidate the housing assistance programs for homeless persons under title IV of such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2007

Ms. CARSON (for herself, Mr. DAVIS of Kentucky, Ms. LEE, and Mr. RENZI) introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the McKinney-Vento Homeless Assistance Act to consolidate the housing assistance programs for homeless persons under title IV of such 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 2007”.

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 homeless individual.

TITLE I—HOUSING ASSISTANCE GENERAL PROVISIONS

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

TITLE II—EMERGENCY SHELTER GRANTS PROGRAM

- Sec. 201. Grant assistance.
- Sec. 202. Amount and allocation of assistance.
- Sec. 203. Eligible activities.
- Sec. 204. Repeals.

TITLE III—CONTINUUM OF CARE PROGRAM

- Sec. 301. Continuum of care.
- Sec. 302. Eligible activities.
- Sec. 303. Program requirements.
- Sec. 304. Allocation amounts and funding.

TITLE IV—REPEALS AND CONFORMING AMENDMENTS

- Sec. 401. Repeals.
- Sec. 402. Conforming amendments.
- Sec. 403. Amendment to table of contents.

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

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

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

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

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

10 (1) to consolidate the separate homeless assist-
11 ance programs carried out under title IV of the

1 McKinney-Vento Homeless Assistance Act (con-
 2 sisting of the supportive housing program and re-
 3 lated innovative programs, the safe havens program,
 4 the section 8 assistance program for single-room oc-
 5 cupancy dwellings, the shelter plus care program,
 6 and the rural homeless housing assistance program)
 7 into a single program with specific eligible activities;
 8 and

9 (2) codify in Federal law the continuum of care
 10 planning process as a required and integral local
 11 function necessary to generate the local strategies
 12 for ending homelessness.

13 **SEC. 3. DEFINITION OF HOMELESS INDIVIDUAL.**

14 Section 103 of the McKinney-Vento Homeless Assist-
 15 ance Act (42 U.S.C. 11302) is amended—

16 (1) by striking subsection (a) and inserting the
 17 following new subsection:

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

21 “(1) mean an individual who lacks a fixed, reg-
 22 ular, and adequate nighttime residence; and

23 “(2) include—

24 “(A) an individual who—

1 “(i) is sharing the housing of other
2 persons due to loss of housing, economic
3 hardship, or a similar reason;

4 “(ii) is living in a motel, hotel, or
5 camping ground due to the lack of alter-
6 native adequate accommodations; or

7 “(iii) is living in an emergency or
8 transitional shelter;

9 “(B) an individual who has a primary
10 nighttime residence that is a public or private
11 place not designed for or ordinarily used as a
12 regular sleeping accommodation for human
13 beings;

14 “(C) an individual who is living in a car,
15 park, public space, abandoned building, sub-
16 standard housing, bus or train station, or simi-
17 lar setting; and

18 “(D) an individual living in an institution
19 that provides a temporary residence for individ-
20 uals intended to be institutionalized.”; and

21 (2) in subsection (c)—

22 (A) by striking “or otherwise detained”;
23 and

24 (B) by inserting after the period at the end
25 the following: “Such term includes individuals

1 who have been released from prison on proba-
2 tion or parole.”

3 **TITLE I—HOUSING ASSISTANCE**
4 **GENERAL PROVISIONS**

5 **SEC. 101. DEFINITIONS.**

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

9 (1) by striking the subtitle heading and insert-
10 ing the following:

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

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

15 (3) by inserting before section 403 (as so redes-
16 ignated by paragraph (2) of this section) the fol-
17 lowing new section:

18 **“SEC. 401. DEFINITIONS.**

19 “For purposes of this title:

20 “(1) **COLLABORATIVE APPLICANT.**—The term
21 ‘collaborative applicant’ means—

22 “(A) an entity, which may or may not be
23 a Board, that serves as the applicant for project
24 sponsors who jointly submit a single application
25 for a grant under subtitle C with the approval

of, and in accordance with the collaborative process established by, a Board, and, if awarded such grant, receives such grant directly from the Secretary; or

“(B) an individual project sponsor who is an eligible entity under subtitle C and submits an application for a grant under subtitle C, with the approval of, and in accordance with the collaborative process established by, a Board, and, if awarded such grant, receives such grant directly from the Secretary.

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

“(A) satisfies the requirements of section 422 (including containing the information described in subsections (a) and (c) of section 426); and

“(B) is submitted to a Board and then to the Secretary by a collaborative applicant.

“(3) COMMUNITY BOARD.—The term ‘community board’ means a community homeless assistance planning board established in accordance with section 402.

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

6 “(5) ELIGIBLE ENTITY.—The term ‘eligible en-
7 tity’ means, with respect to a subtitle, a public or
8 private entity eligible to receive directly grant
9 amounts under that subtitle.

10 “(6) GEOGRAPHIC AREA.—The term ‘geo-
11 graphic area’ means a State, metropolitan city,
12 urban county, town, village, or other nonentitlement
13 area, or a combination or consortia of such, in the
14 United States, as described in section 106 of the
15 Housing and Community Development Act of 1974
16 (42 U.S.C. 5306).

17 “(7) HOMELESS INDIVIDUAL WITH A DIS-
18 ABILITY.—

19 “(A) IN GENERAL.—The term ‘homeless
20 individual with a disability’ means an individual
21 who is homeless, as defined in section 103, and
22 has a disability that—

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

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

3 “(III) could be improved by the provi-
4 sion of more suitable housing conditions;
5 and

6 “(IV) is a physical, mental, or emo-
7 tional impairment, including an impair-
8 ment caused by alcohol or drug abuse;

9 “(ii) is a 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); or

13 “(iii) is the disease of acquired im-
14 munodeficiency syndrome or any condition
15 arising from the etiologic agency for ac-
16 quired immunodeficiency syndrome.

17 “(B) RULE.—Nothing in clause (iii) of
18 subparagraph (A) shall be construed to limit
19 eligibility under clause (i) or (ii) of subpara-
20 graph (A).

21 “(8) HOMELESSNESS PREVENTION ACTIVI-
22 TIES.—The term ‘homelessness prevention activities’
23 means activities designed to help individuals and
24 families avoid becoming homeless, including—

1 “(A) providing financial assistance to indi-
2 viduals and families who have received eviction
3 notices, foreclosure notices, or notices of termi-
4 nation of utility services, if—

5 “(i) the inability of the individual or
6 family to make the required payments is
7 due to a sudden reduction in income;

8 “(ii) the assistance is necessary to
9 avoid eviction, foreclosure, or the termi-
10 nation of services; and

11 “(iii) there is a reasonable prospect
12 that the individual or family will be able to
13 resume payments within a reasonable pe-
14 riod of time;

15 “(B) carrying out relocation activities (in-
16 cluding providing security or utility deposits,
17 rental assistance for a final month or residence
18 at a location, assistance with moving costs, or
19 rental assistance for not more than 6 months)
20 for moving into transitional or permanent hous-
21 ing individuals and families who—

22 “(i) lack housing;

23 “(ii) are being discharged from a pub-
24 licly funded facility or institution (such as
25 a health care or treatment facility or insti-

tution, child welfare or youth facility, or juvenile or adult correctional institution) or are being terminated from services provided by such facility or institution; and

“(iii) have plans, developed collaboratively by the public entities involved and the individuals and families, for securing or maintaining housing after any funding provided under this title is used;

“(C) providing family support services that promote reunification of—

“(i) youth experiencing homelessness, with their families; and

“(ii) children or youth involved with the child welfare or juvenile justice systems, with their parents or guardians; and

“(D) carrying out relocation activities (as described in subparagraph (B)) and providing victim services and other supportive services to individuals who are victims of domestic violence, dating violence, sexual assault, or stalking, and are in danger of becoming homeless because of the violence or abuse

“(8) INDEPENDENTLY OWNED.—The term ‘independently owned’, used with respect to rental

1 assistance, means assistance provided pursuant to a
2 contract 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 “(9) LOW-DEMAND PROGRAM.—The term ‘low-
16 demand program’ means a program that does not
17 require, but offers, in a non-coercive manner—

18 “(A)(i) health care services, mental health
19 services, and substance abuse services; and

20 “(ii) other supportive services, which may
21 include medication management, education,
22 counseling, advocacy, job training, and assist-
23 ance in obtaining entitlement benefits or in ob-
24 taining such supportive services; and

1 “(B) referrals for services described in
2 subparagraph (A).

3 “(10) METROPOLITAN CITY; URBAN COUNTY;
4 NONENTITLEMENT AREA.—The terms ‘metropolitan
5 city’, ‘urban county’, and ‘nonentitlement area’ have
6 the meanings given such terms in section 102(a) of
7 the Housing and Community Development Act of
8 1974 (42 U.S.C. 5302(a)).

9 “(11) NEW.—The term ‘new’, used with respect
10 to housing, means housing for which no assistance
11 has been provided under this title.

12 “(12) OPERATING COSTS.—The term ‘operating
13 costs’ means expenses incurred by a recipient or
14 project sponsor operating—

15 “(A) transitional housing or permanent
16 housing under this title, with respect to—

17 “(i) the administration, maintenance,
18 repair, and security of such housing;

19 “(ii) utilities, fuel, furnishings, and
20 equipment for such housing; or

21 “(iii) conducting an assessment under
22 section 426(c)(2); and

23 “(B) supportive housing for homeless indi-
24 viduals or homeless families under this title,
25 with respect to—

1 “(i) the matters described in clauses
2 (i), (ii), and (iii) of subparagraph (A); and
3 “(ii) coordination of services as need-
4 ed to ensure long-term housing stability.

5 “(13) OUTPATIENT HEALTH SERVICES.—The
6 term ‘outpatient health services’ means outpatient
7 health care services, mental health services, and out-
8 patient substance abuse services.

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

14 “(15) PERMANENT HOUSING DEVELOPMENT
15 ACTIVITIES.—The term ‘permanent housing develop-
16 ment activities’ means activities—

17 “(A) to construct, lease, rehabilitate, or ac-
18 quire structures to provide permanent housing;

19 “(B) involving tenant-based, independently
20 owned, and project-based flexible rental assist-
21 ance for permanent housing;

22 “(C) described in paragraphs (1) through
23 (4) of section 423(a); or

24 “(D) involving the capitalization of a dedi-
25 cated project account from which payments are

1 allocated for rental assistance and operating
2 costs of permanent housing.

3 “(16) PERSONALLY IDENTIFYING INFORMA-
4 TION.—The term ‘personally identifying information’
5 means individually identifying information for or
6 about an individual, including information likely to
7 disclose the location of a victim of domestic violence,
8 dating violence, sexual assault, or stalking, includ-
9 ing—

10 “(A) a first and last name;

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

12 “(C) contact information (including a post-
13 al, e-mail or Internet protocol address, or tele-
14 phone or facsimile number);

15 “(D) a social security number; and

16 “(E) any other information, including date
17 of birth, racial or ethnic background, or reli-
18 gious affiliation, that, in combination with any
19 other non-personally identifying information,
20 would serve to identify any individual.

21 “(17) PRIVATE NONPROFIT ORGANIZATION.—
22 The term ‘private nonprofit organization’ means an
23 organization—

1 “(A) no part of the net earnings of which
2 inures to the benefit of any member, founder,
3 contributor, or individual;

4 “(B) that has a voluntary board;

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

8 “(D) that practices nondiscrimination in
9 the provision of assistance.

10 “(18) PROJECT.—The term ‘project’, used with
11 respect to activities carried out under subtitle C,
12 means eligible activities described in section 423(a),
13 undertaken pursuant to a specific endeavor, such as
14 serving a particular population or providing a par-
15 ticular resource.

16 “(19) PROJECT-BASED.—The term ‘project-
17 based’, used with respect to rental assistance, means
18 assistance provided pursuant to a contract that—

19 “(A) is between—

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

21 and

22 “(ii) an owner of a structure that ex-
23 ists as of the date the contract is entered
24 into; and

1 “(B) provides that rental assistance pay-
2 ments shall be made to the owner and that the
3 units in the structure shall be occupied by eligi-
4 ble persons for not less than the term of the
5 contract.

6 “(20) PROJECT SPONSOR.—The term ‘project
7 sponsor’, used with respect to proposed eligible ac-
8 tivities, means the organization directly responsible
9 for carrying out the proposed eligible activities.

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

13 “(A) submits an application for a grant
14 under section 422 that is approved by the Sec-
15 retary;

16 “(B) receives the grant directly from the
17 Secretary to support approved projects de-
18 scribed in the application; and

19 “(C)(i) serves as a project sponsor for the
20 projects; or

21 “(ii) awards the funds to project sponsors
22 to carry out the projects.

23 “(22) SAFE HAVEN.—The term ‘safe haven’
24 means a facility—

1 “(A) that provides 24-hour residence for
2 an unspecified duration for persons who, on
3 entry to the facility, are unwilling or unable to
4 participate in mental health or substance abuse
5 services, or to receive other supportive services;

6 “(B) that provides private or semi-private
7 accommodations;

8 “(C) that may provide for the common use
9 of kitchen facilities, dining rooms, and bath-
10 rooms;

11 “(D) that may provide supportive services,
12 on a drop-in basis, to eligible persons who are
13 not residents; and

14 “(E) in which overnight occupancy is lim-
15 ited to no more than 25 persons.

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

19 “(24) SERIOUSLY MENTALLY ILL.—The term
20 ‘seriously mentally ill’ means having a severe and
21 persistent mental illness or emotional impairment
22 that seriously limits a person’s ability to live inde-
23 pendently.

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

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

4 “(26) STATE.—Except as used in subtitle B,
5 the term ‘State’ means each of the several States,
6 the District of Columbia, the Commonwealth of
7 Puerto Rico, the United States Virgin Islands,
8 Guam, American Samoa, and the Commonwealth of
9 the Northern Mariana Islands.

10 “(27) SUPPORTIVE SERVICES.—The term ‘sup-
11 portive services’ means—

12 “(A) the establishment and operation of a
13 child care services program for families experi-
14 encing homelessness;

15 “(B) the establishment and operation of an
16 employment assistance program, including pro-
17 viding job training;

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

20 “(D) the provision of assistance in obtain-
21 ing permanent housing, employment counseling,
22 and nutritional counseling;

23 “(E) the provision of outreach services, ad-
24 vocacy, life skills training, and housing search
25 and counseling services;

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

3 “(G) the provision of assistance in obtain-
4 ing other Federal, State, and local assistance
5 available for residents of supportive housing
6 (including mental health benefits, employment
7 counseling, and medical assistance, but not in-
8 cluding major medical equipment);

9 “(H) the provision of legal services for
10 purposes including requesting reconsiderations
11 and appeals of veterans and public benefit claim
12 denials and resolving outstanding warrants that
13 interfere with an individual’s ability to obtain
14 and retain housing; and

15 “(I) the provision of—

16 “(i) transportation services that facili-
17 tate an individual’s ability to obtain and
18 maintain employment;

19 “(ii) income assistance;

20 “(iii) health care; and

21 “(iv) other supportive services nec-
22 essary to obtain and maintain housing.

23 “(28) TENANT-BASED.—The term ‘tenant-
24 based’, used with respect to rental assistance, means
25 assistance that—

1 “(A) allows an eligible person to select a
2 housing unit in which such person will live
3 using rental assistance provided under subtitle
4 C, except that if necessary to assure that the
5 provision of supportive services to a person par-
6 ticipating in a program is feasible, a recipient
7 or project sponsor may require that the person
8 live—

9 “(i) in a particular structure or unit
10 for not more than the first year of the par-
11 ticipation;

12 “(ii) within a particular geographic
13 area for the full period of the participation,
14 or the period remaining after the period
15 referred to in subparagraph (A); and

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

1 ther violence if he or she remained in the as-
2 sisted dwelling unit.

3 “(29) TRANSITIONAL HOUSING.—The term
4 ‘transitional housing’ has the meaning given the
5 term in section 424(b), and includes transitional
6 supportive housing.

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

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

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

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

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

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

12 **“SEC. 402. COMMUNITY HOMELESS ASSISTANCE PLANNING**
 13 **BOARDS.**

14 “(a) **BOARDS.**—A community homeless assistance
 15 planning board shall be established for a geographic area
 16 by the relevant parties in that geographic area, or des-
 17 ignated for a geographic area by the Secretary in accord-
 18 ance with subsection (c), to lead a collaborative planning
 19 process to design, execute, and evaluate programs, poli-
 20 cies, and practices to prevent and end homelessness.

21 “(b) **MEMBERSHIP.**—A community board established
 22 under subsection (a) shall be composed of persons—

23 “(1) who are from a particular geographic area;

24 “(2) not less than 51 percent of whom are—

1 “(A) persons who are experiencing or have
2 experienced homelessness (with not fewer than
3 2 persons being individuals who are experi-
4 encing or have experienced homelessness);

5 “(B) persons who act as advocates for the
6 diverse subpopulations of persons experiencing
7 homelessness, including advocates for homeless
8 veterans, persons who are mentally ill, persons
9 with physical disabilities, youth, victims of do-
10 mestic violence, and underserved populations;

11 “(C) persons or representatives of organi-
12 zations who provide assistance to the variety of
13 individuals and families experiencing homeless-
14 ness, including organizations serving the geo-
15 graphic area which have been awarded funds
16 through Federal Government programs targeted
17 to persons experiencing homelessness; or

18 “(D) one or more local educational agency
19 liaisons designated under section
20 722(g)(1)(J)(ii) (42 U.S.C. 11432(g)(1)(J)(ii));
21 and

22 “(3) the remainder of whom are selected from
23 among—

24 “(A) government officials, particularly
25 those officials responsible for administering

1 funding under programs targeted for persons
2 experiencing homelessness and other programs
3 for which persons experiencing homelessness
4 are eligible, including law enforcement officials
5 responsible for persons on parole or probation;

6 “(B) members of the business community;

7 “(C) members of the religious community
8 or faith-based organizations;

9 “(D) members of neighborhood advocacy
10 organizations; and

11 “(E) representatives within the geographic
12 area of the Department of Veterans Affairs and
13 the Social Security Administration.

14 “(c) EXISTING PLANNING BODIES.—The Secretary
15 may designate an entity to be a community board if such
16 entity has, prior to the date of enactment of the Homeless
17 Emergency Assistance and Rapid Transition to Housing
18 Act of 2007, engaged in coordinated, comprehensive local
19 homeless housing and services planning and applied for
20 Federal funding to provide homeless assistance.

21 “(d) REMEDIAL ACTION.—If the Secretary finds that
22 a community board for a geographic area does not meet
23 the requirements of this section, the Secretary may take
24 remedial action to ensure fair distribution of grant
25 amounts under this title to eligible entities within that

1 area. Such measures may include designating another
2 body as a community board or permitting eligible entities
3 to apply directly for grants.

4 “(e) 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 “(f) DUTIES.—A community board established under
9 subsection (a) shall—

10 “(1)(A) design a collaborative process, estab-
11 lished jointly and complied with by its members, for
12 evaluating, reviewing, and prioritizing projects and
13 applications for grants under subtitles B and C sub-
14 mitted by eligible entities, in such a manner as to
15 ensure that the entities further the goal of pre-
16 venting and ending homelessness in the geographic
17 area involved;

18 “(B)(i)(I) review relevant policies and practices
19 (in place and planned) of public and private entities
20 in the geographic area served by the community
21 board to determine if the policies and practices fur-
22 ther or impede the goal described in subparagraph
23 (A);

24 “(II) in conducting the review, give priority to
25 the review of—

1 “(aa) the discharge planning and service
2 termination policies and practices of publicly
3 funded facilities or institutions (such as health
4 care or treatment facilities or institutions, child
5 welfare or youth facilities, or juvenile or adult
6 correctional institutions), and entities carrying
7 out publicly funded programs and systems of
8 care (such as health care or treatment pro-
9 grams or State programs funded under part A
10 of title IV of the Social Security Act (42 U.S.C.
11 601 et seq.; relating to Temporary Assistance
12 for Needy Families))), to ensure that such a dis-
13 charge or termination does not result in imme-
14 diate homelessness for the persons involved; in
15 conducting the review the community board
16 shall provide an estimate of the numbers of in-
17 dividuals discharged from such publicly funded
18 facilities or institutions in the geographic area
19 or applicable State to a homeless situation;

20 “(bb) the access and utilization policies
21 and practices of the entities carrying out main-
22 stream programs as identified by the Govern-
23 ment Accountability Office in the February
24 1999 report entitled, ‘Homelessness: Coordina-
25 tion and Evaluation of Programs are Essential’,

1 to ensure that persons at risk of or experiencing
2 homelessness are able to access and utilize the
3 programs;

4 “(cc) local policies and practices relating to
5 zoning and enforcement of local statutes, to en-
6 sure that the policies and practices allow rea-
7 sonable inclusion and distribution in the geo-
8 graphic area of special needs populations and
9 families with children and the facilities that
10 serve the populations and families;

11 “(dd) policies and practices relating to the
12 school selection and enrollment of homeless chil-
13 dren and youths (as defined in section 725) to
14 ensure that the homeless children and youths,
15 and their parents, are able to exercise their
16 educational rights under subtitle B of title VII;

17 “(ee) policies and practices relating to the
18 placement of families with homeless children
19 and youths (as so defined) in emergency or
20 transitional shelters, to ensure that the children
21 and youths are placed as close as possible to
22 their school of origin in order to facilitate con-
23 tinuity of, and prevent disruption of, edu-
24 cational services;

“(ff) laws, ordinances, or policies of the applicable States and units of general local government that (AA) penalize homeless individuals and families based upon their status as homeless, or (BB) establish status offenses which may result in runaway and homeless youths being adjudicated as delinquent; and

“(gg) policies and practices penalizing victims of domestic violence, dating violence, sexual assault, stalking, and placing them at risk of becoming homeless; and

“(III) in conducting the review, determine the modifications and corrective actions that need to be taken, and by whom, to ensure that the relevant policies and practices do not stimulate, or prolong, homelessness in the geographic area, or penalize homeless individuals and families, including runaway and homeless youth, based upon their status as homeless;

“(ii) inform the entities of the determinations described in clause (i); and

“(iii) once every 3 years, prepare for inclusion in any application reviewed by the community board and submitted to the Secretary under section 422, the determinations described in clause (i), in the

1 form of an exhibit entitled ‘Assessment of Relevant
2 Policies and Practices, and Needed Corrective Ac-
3 tions to End and Prevent Homelessness’; and

4 “(C) if the community board designs and car-
5 ries out the projects, design and carry out the
6 projects in such a manner as to further the goal de-
7 scribed in subparagraph (A);

8 “(2) require, consistent with the Government
9 Performance and Results Act of 1993 and amend-
10 ments made by that Act, that recipients and project
11 sponsors who are funded by grants received under
12 this title implement and maintain an outcome-based
13 evaluation of their projects that measures effective
14 and timely delivery of housing or services and wheth-
15 er provision of such housing or services results in
16 preventing or ending homelessness for the persons
17 that such recipients and project sponsors serve;

18 “(3) require, consistent with the Government
19 Performance and Results Act of 1993 and amend-
20 ments made by that Act, outcome-based evaluation
21 of the community board’s homeless assistance plan-
22 ning process to measure the community board’s per-
23 formance in preventing or ending the homelessness
24 of persons in the community board’s geographic
25 area;

1 “(4) participate in the Consolidated Plan for
 2 the geographic area served by the community board;
 3 and

4 “(5) describe a targeted plan for ensuring hous-
 5 ing and services for veterans experiencing homeless-
 6 ness, including coordination with services offered di-
 7 rectly by or with the financial support of the Depart-
 8 ment of Veterans Affairs”

9 **SEC. 103. TECHNICAL ASSISTANCE AND PERFORMANCE RE-**
 10 **PORTS.**

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

15 **“SEC. 404. TECHNICAL ASSISTANCE.**

16 “(a) IN GENERAL.—The Secretary shall make avail-
 17 able technical assistance to—

18 “(1) States, metropolitan cities, urban counties,
 19 and counties that are not urban counties, to imple-
 20 ment effective planning processes for preventing and
 21 ending homelessness, to improve their capacity to
 22 prepare collaborative applications, and to adopt and
 23 provide best practices in housing and services for
 24 persons experiencing homeless; and

1 “(2) community boards or their predecessor
2 homeless planning bodies in States, metropolitan cit-
3 ies, urban counties, and counties that are not urban
4 counties, to improve their capacity to prepare col-
5 laborative applications.

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

10 **“SEC. 405. PERFORMANCE REPORTS.**

11 “(a) IN GENERAL.—Each community board shall
12 submit to the Secretary an annual performance report re-
13 garding the activities carried out with grant amounts re-
14 ceived under subtitles B and C in the geographic area
15 served by the community board, at such time and in such
16 manner as the Secretary determines to be reasonable.

17 “(b) CONTENT.—The performance report described
18 in subsection (a) shall—

19 “(1) describe the number of persons provided
20 homelessness prevention assistance, and the number
21 of individuals and families experiencing homelessness
22 who were provided shelter, housing, or supportive
23 services, with the grant amounts awarded in the fis-
24 cal year prior to the fiscal year in which the report

1 was submitted, including measurements of the num-
2 ber of persons experiencing homelessness who—

3 “(A) entered permanent housing, and the
4 length of time such persons resided in that
5 housing, if known;

6 “(B) entered transitional housing, and the
7 length of time such persons resided in that
8 housing, if known;

9 “(C) obtained or retained jobs;

10 “(D) increased their income, including in-
11 creasing income through the receipt of govern-
12 ment benefits;

13 “(E) received mental health or substance
14 abuse services in an institutional setting and
15 now receive that assistance in a less restrictive,
16 community-based setting;

17 “(F) received additional education, voca-
18 tional or job training, or employment assistance
19 services;

20 “(G) received additional physical, mental,
21 or emotional health care;

22 “(H) were children under the age of 18
23 during the year at issue, including the number
24 of—

1 “(i) children who were not younger
2 than 2 and not older than 4, or were in-
3 fants or toddlers with disabilities (as de-
4 fined in section 632 of the Individuals with
5 Disabilities Education Act (20 U.S.C.
6 1432));

7 “(ii) children described in clause (i)
8 who were enrolled in preschool or were re-
9 ceiving services under part C of such Act
10 (20 U.S.C. 1431 et seq.);

11 “(iii) children who were not younger
12 than 5 and not older than 17;

13 “(iv) children described in clause (iii)
14 who are enrolled in elementary school or
15 secondary school (as such terms are de-
16 fined in section 9101 of the Elementary
17 and Secondary Education Act of 1965 (20
18 U.S.C. 7801)); and

19 “(v) children under the age of 18 who
20 received child care, health care, mental
21 health care, or supplemental educational
22 services; and

23 “(I) were reunited with their families;

24 “(2) estimate the number of persons experi-
25 encing homelessness in the geographic area served

1 by the community board who are eligible for, but did
2 not receive, services, housing, or other assistance
3 through the programs funded under subtitles B and
4 C in the prior fiscal year;

5 “(3) indicate the accomplishments achieved
6 within the geographic area to prevent the homeless-
7 ness of persons discharged from publicly funded in-
8 stitutions or systems of care (such as health care fa-
9 cilities, child welfare or other youth facilities or sys-
10 tems of care, institutions or systems of care relating
11 to the temporary assistance to needy families pro-
12 gram established under part A of title IV of the So-
13 cial Security Act (42 U.S.C. 601 et seq.), and juve-
14 nile or adult corrections programs and institutions);

15 “(4) indicate the accomplishments achieved
16 within the geographic area that involved the use of
17 the grant amounts awarded in the prior fiscal year,
18 regarding efforts to coordinate services and pro-
19 grams within the geographic area;

20 “(5) indicate the accomplishments achieved
21 within the geographic area to increase access, by
22 persons experiencing homelessness, to programs that
23 are not targeted for persons experiencing homeles-
24 ness (but for which persons experiencing homeles-
25 ness are eligible), including mainstream programs

1 identified by the Government Accountability Office
2 report entitled ‘Homelessness: Coordination and
3 Evaluation of Programs are Essential’ issued in
4 February 26, 1999, and by the Government Ac-
5 countability Office report entitled ‘Homeless Bar-
6 riers to Using Mainstream Programs’, issued in July
7 6, 2000;

8 “(6) assess the consistency and coordination be-
9 tween the programs funded under subtitles B and C
10 in the prior fiscal year and the Consolidated Plan;
11 and

12 “(7) indicate the accomplishments within the
13 applicable States and units of general local govern-
14 ment of the geographic area to repeal or modify
15 laws, ordinances, or policies of the applicable States
16 and units of general local government that—

17 “(A) penalize homeless individuals and
18 families based upon their status as homeless;

19 “(B) establish status offenses which may
20 result in runaway and homeless youths being
21 adjudicated as delinquent; or

22 “(C) disallow reasonable inclusion and dis-
23 tribution in the geographic area of special needs
24 populations and families with children and the
25 facilities that serve the populations and families

1 “(c) WAIVER.—The Secretary may grant a waiver to
 2 any community board that is unable to provide informa-
 3 tion required by subsection (b). Such community board
 4 shall submit a plan to provide such information within a
 5 reasonable period of time.”.

6 **SEC. 104. PROTECTION OF PERSONALLY IDENTIFYING IN-**
 7 **FORMATION BY VICTIM SERVICE PROVIDERS.**

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

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

14 “In the course of awarding grants or implementing
 15 programs under this title, the Secretary shall instruct any
 16 victim service provider that is a recipient or subgrantee
 17 not to disclose for purposes of the Homeless Management
 18 Information System any personally identifying informa-
 19 tion about any client. The Secretary may, after public no-
 20 tice and comment, require or ask such recipients and sub-
 21 grantees to disclose for purposes of the Homeless Manage-
 22 ment Information System non-personally identifying infor-
 23 mation that has been de-identified, encrypted, or otherwise
 24 encoded. Nothing in this section shall be construed to su-
 25 percede any provision of any Federal, State, or local law

1 that provides greater protection than this subsection for
 2 victims of domestic violence, dating violence, sexual as-
 3 sault, or stalking.”.

4 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

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

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

10 “There are authorized to be appropriated to carry out
 11 title II and this title \$2,500,000,000 for fiscal year
 12 2008and such sums as may be necessary for each of fiscal
 13 years 2009, 2010, 2011, and 2012.”.

14 **TITLE II—EMERGENCY SHELTER**
 15 **GRANTS PROGRAM**

16 **SEC. 201. GRANT ASSISTANCE.**

17 The McKinney-Vento Homeless Assistance Act is
 18 amended by striking section 412 (42 U.S.C. 11372) and
 19 inserting the following new section:

20 **“SEC. 412. GRANT ASSISTANCE.**

21 “(a) IN GENERAL.—The Secretary shall make grants
 22 to States and local governments (and to private nonprofit
 23 organizations providing assistance to persons experiencing
 24 homelessness, in the case of grants made with reallocated

1 amounts) for the purpose of carrying out activities de-
 2 scribed in section 414.

3 “(b) COORDINATION WITH COMMUNITY BOARDS.—
 4 An entity that receives a grant under this section and
 5 serves an area that includes one or more geographic areas
 6 (or portions of such areas) served by community boards
 7 that submit applications under subtitle C, shall allocate
 8 the funds made available through the grant to carry out
 9 activities described in section 414, in consultation with
 10 such community boards.”.

11 **SEC. 202. AMOUNT AND ALLOCATION OF ASSISTANCE.**

12 Section 413 of the McKinney-Vento Homeless Assist-
 13 ance Act (42 U.S.C. 11373) is amended—

14 (1) in subsection (b)—

15 (A) by striking “amounts appropriated”
 16 and all that follows through “for any” and in-
 17 serting “amounts appropriated under section
 18 408 and made available to carry out this sub-
 19 title for any”; and

20 (B) by striking “subsection (a)” and in-
 21 serting “subsection (b)”;

22 (2) in subsection (d)(1), by striking “subsection
 23 (b)” and inserting “subsection (c)”;

24 (3) by redesignating subsections (a) through (e)
 25 as subsections (b) through (f), respectively; and

1 (4) by inserting before subsection (b) (as so re-
2 designated by paragraph (3) of this section) the fol-
3 lowing new subsection:

4 “(a) LIMITATION ON AMOUNTS USED FOR EMER-
5 GENCY SHELTER.—Of the amount made available to carry
6 out this subtitle and subtitle C for a fiscal year, the Sec-
7 retary shall allocate nationally for use under this subtitle
8 an aggregate amount not exceeding 15 percent of such
9 total amount.”.

10 **SEC. 203. ELIGIBLE ACTIVITIES.**

11 The McKinney-Vento Homeless Assistance Act is
12 amended by striking section 414 (42 U.S.C. 11374) and
13 inserting the following new section:

14 **“SEC. 414. ELIGIBLE ACTIVITIES.**

15 “Assistance provided under section 412 may be used
16 for the following activities:

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

20 “(2) The provision of essential services, includ-
21 ing services concerned with employment, health, or
22 education, family support services for homeless
23 youth, substance abuse services, victim services, or
24 mental health services, if—

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

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

9 “(3) Maintenance, operation, insurance, provi-
 10 sion of utilities, and provision of furnishings.

11 “(4) For homelessness prevention activities.”.

12 **SEC. 204. REPEALS.**

13 Sections 417 and 418 of the McKinney-Vento Home-
 14 less Assistance Act (42 U.S.C. 11377, 11378) are hereby
 15 repealed.

16 **TITLE III—CONTINUUM OF CARE**
 17 **PROGRAM**

18 **SEC. 301. CONTINUUM OF CARE.**

19 The McKinney-Vento Homeless Assistance Act is
 20 amended—

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

1 **“Subtitle C—Continuum of Care**
2 **Program”; and**

3 (2) by striking section 422 (42 U.S.C. 11382)

4 and inserting the following new section:

5 **“SEC. 422. CONTINUUM OF CARE APPLICATIONS AND**
6 **GRANTS.**

7 “(a) ELIGIBLE APPLICANT.—In this section, the
8 term ‘eligible applicant’ means a collaborative applicant or
9 solo applicant.

10 “(b) PROJECTS.—The Secretary shall award grants
11 to eligible applicants to carry out homeless assistance and
12 prevention projects.

13 “(c) NOTIFICATION OF FUNDING AVAILABILITY.—
14 The Secretary shall release a notification of funding avail-
15 ability for grants awarded under this subtitle for a fiscal
16 year not later than 3 months after the date of enactment
17 of the appropriate Act making appropriations for the De-
18 partment of Housing and Urban Development for such fis-
19 cal year.

20 “(d) APPLICATIONS.—

21 “(1) IN GENERAL.—To receive a grant under
22 subsection (b), an eligible applicant shall submit an
23 application for the grant to a community board in
24 accordance with the collaborative process established
25 by the board, as described in section 402, and have

1 such application reviewed, approved, and prioritized
2 by such community board, except that a solo appli-
3 cant may submit such application to the Secretary
4 without participating in such process if the applicant
5 includes information in such application regarding
6 why the applicant has not participated.

7 “(2) CONTENTS.—To receive the grant, after
8 receiving approval from the community board for the
9 application, the eligible applicant shall submit an ap-
10 plication to the Secretary at such time and in such
11 manner as the Secretary may require, and con-
12 taining—

13 “(A) the application submitted to the com-
14 munity board; and

15 “(B) other information that, in addition to
16 including the information described in sub-
17 sections (a) and (c) of section 426, shall—

18 “(i) describe the establishment and
19 function of the community board, includ-
20 ing—

21 “(I) the nomination and selection
22 process for such board, including the
23 names and affiliations of all such
24 board members;

1 “(II) all meetings held by such
2 board in preparing the collaborative
3 application, including identification of
4 those meetings that were public;

5 “(III) all meetings between board
6 representatives, and persons respon-
7 sible for administering the consoli-
8 dated plan; and

9 “(IV) documentation of efforts
10 undertaken to ensure the participation
11 of all community organizations pro-
12 viding services to homeless individuals
13 and of organizations representing un-
14 derserved communities;

15 “(ii) outline the range of housing and
16 service programs available to persons expe-
17 riencing homelessness or imminently at
18 risk of experiencing homelessness and de-
19 scribe the unmet needs that remain in the
20 geographic area for which the collaborative
21 applicant seeks funding regarding—

22 “(I) prevention activities, includ-
23 ing providing assistance in—

24 “(aa) making mortgage,
25 rent, or utility payments; or

1 “(bb) accessing permanent
2 housing and transitional housing
3 for individuals (and families that
4 include the individuals) who are
5 being discharged from a publicly
6 funded facility, program, or sys-
7 tem of care, or whose services
8 (from such a facility, program, or
9 system of care) are being termi-
10 nated, including discharge from a
11 child welfare or juvenile correc-
12 tions program;

13 “(II) outreach activities to assess
14 the needs and conditions of persons
15 experiencing homelessness;

16 “(III) emergency shelters, includ-
17 ing the supportive and referral serv-
18 ices the shelters provide;

19 “(IV) transitional housing with,
20 as needed, appropriate supportive
21 services to help persons experiencing
22 homelessness who are not yet able or
23 prepared to make the transition to
24 permanent housing and independent
25 living;

1 “(V) permanent housing to help
2 meet the long-term needs of individ-
3 uals and families experiencing home-
4 lessness; and

5 “(VI) needed supportive services;

6 “(iii) prioritize the projects for which
7 the collaborative applicant seeks funding
8 according to the unmet needs in the fiscal
9 year in which the applicant submits the ap-
10 plication as described in clause (ii);

11 “(iv) identify funds from private and
12 public sources, other than funds received
13 under subtitle B and this subtitle, that the
14 State, units of general local government,
15 recipients, project sponsors, and others will
16 use for homelessness prevention, emer-
17 gency shelter, supportive services, transi-
18 tional housing, permanent housing, and
19 permanent supportive housing that will be
20 integrated with the assistance provided
21 under subtitle B and this subtitle;

22 “(v) identify funds provided by the
23 State and units of general local govern-
24 ment under programs targeted for persons
25 experiencing homelessness, and other pro-

1 grams for which persons experiencing
2 homelessness are eligible, including pro-
3 grams identified by the General Account-
4 ing Office in the February 1999 report en-
5 titled ‘Homelessness: Coordination and
6 Evaluation of Programs Are Essential’;

7 “(vi) explain—

8 “(I) how the collaborative appli-
9 cant will meet the housing and service
10 needs of individuals and families experi-
11 encing homelessness in the appli-
12 cant’s community; and

13 “(II) the strategy of the State,
14 units of general local government, and
15 private entities in the geographic area
16 over the next 5 years to prevent and
17 end homelessness, including, as part
18 of that strategy, a work plan for the
19 applicable fiscal years;

20 “(vii) report on the outcome-based
21 performance of programs for homeless per-
22 sons within the geographic area served by
23 the collaborative applicant that were fund-
24 ed under this title in the fiscal year prior

1 to the fiscal year in which the application
2 is submitted;

3 “(viii) include any relevant required
4 agreements under this subtitle;

5 “(ix) contain a certification of consist-
6 ency with the consolidated plan pursuant
7 to section 403;

8 “(x) contain a certification that the
9 applicable States and units of general local
10 government are not penalizing homeless in-
11 dividuals and families—

12 “(I) through laws, ordinances, or
13 policies based upon their status as
14 homeless;

15 “(II) by using zoning laws, ordi-
16 nances, or policies to prevent the
17 siting of facilities designed to serve
18 homeless persons; or

19 “(III) through laws that establish
20 status offenses which may result in
21 runaway and homeless youths being
22 adjudicated as delinquent;

23 “(xi) contain such certifications and
24 assurances to ensure that—

1 “(I) project sponsors for all
2 projects for which collaborative appli-
3 cant seeks funding through the grant
4 will establish policies and practices
5 that are consistent with, and do not
6 restrict the exercise of rights provided
7 by, subtitle B of title VII (42 U.S.C.
8 11431 et seq.), and other laws relat-
9 ing to the provision of educational and
10 related services to individuals experi-
11 encing homelessness; and

12 “(II) the strategy referred to in
13 clause (vi)(II) will take the edu-
14 cational needs of children into account
15 when families are placed in emergency
16 or transitional shelter and will, to the
17 maximum extent practicable, place
18 families with children as close to pos-
19 sible to their school of origin so as not
20 to disrupt such children’s education;
21 and

22 “(xii)(I) in the case of a collaborative
23 applicant, include an exhibit described in
24 section 402(f)(1)(B)(iii) and prepared by

1 the community board in accordance with
2 that section; or

3 “(II) in the case of a solo applicant,
4 include an exhibit described in section
5 402(f)(1)(B)(iii) and prepared by the ap-
6 plicant.

7 “(3) CONSIDERATION OF VETERANS AFFAIRS
8 ASSESSMENTS.—In outlining the programs and de-
9 scribing the needs referred to in clause (ii) of para-
10 graph (2)(B), the applicant shall take into account
11 the findings and recommendations of the most re-
12 cently completed annual assessments, conducted pur-
13 suant to section 2034 of title 38, United States
14 Code, of the Department of Veterans Affairs medical
15 centers or regional benefits offices whose service
16 areas include the geographic area for which the ap-
17 plicant seeks funding.

18 “(4) ANNOUNCEMENT OF AWARDS.—The Sec-
19 retary shall announce, not later than 5 months after
20 the last date for the submission of applications de-
21 scribed in this subsection for a fiscal year, the
22 grants awarded under subsection (b) for that fiscal
23 year.

24 “(5) OBLIGATION, DISTRIBUTION, AND UTILIZA-
25 TION OF FUNDS.—

1 “(A) REQUIREMENTS FOR OBLIGATION.—

2 “(i) IN GENERAL.—Not later than 9
3 months after the announcement referred to
4 in paragraph (4), each recipient or project
5 sponsor seeking the obligation of funds for
6 a grant announced under paragraph (4)
7 shall meet all requirements for the obliga-
8 tion of those funds, including site control,
9 matching funds, and environmental review
10 requirements, except as provided in clause
11 (ii).

12 “(ii) ACQUISITION, REHABILITATION,
13 OR CONSTRUCTION.—Not later than 15
14 months after the announcement referred to
15 in paragraph (4), each recipient or project
16 sponsor seeking the obligation of funds for
17 acquisition of housing, rehabilitation of
18 housing, or construction of new housing
19 for a grant announced under paragraph
20 (4) shall meet all requirements for the obli-
21 gation of those funds, including site con-
22 trol, matching funds, and environmental
23 review requirements.

24 “(iii) EXTENSIONS.—At the discretion
25 of the Secretary, and in compelling cir-

1 cumstances, the Secretary may extend the
2 date by which a recipient or project spon-
3 sor shall meet the requirements described
4 in clause (i) if the Secretary determines
5 that compliance with the requirements was
6 delayed due to factors beyond the reason-
7 able control of the recipient or project
8 sponsor. Such factors may include difficul-
9 ties in obtaining site control for a proposed
10 project, completing the process of obtain-
11 ing secure financing for the project, or
12 completing the technical submission re-
13 quirements for the project.

14 “(B) OBLIGATION.—Not later than 45
15 days after a recipient or project sponsor meets
16 the requirements described in subparagraph
17 (A)(i), the Secretary shall obligate the funds for
18 the grant involved.

19 “(C) DISTRIBUTION.—A recipient that re-
20 ceives funds through such a grant—

21 “(i) shall distribute the funds to
22 project sponsors (in advance of expendi-
23 tures by the project sponsors); and

24 “(ii) shall distribute the appropriate
25 portion of the funds to a project sponsor

1 not later than 21 days after receiving a re-
2 quest for such distribution from the project
3 sponsor.

4 “(e) SELECTION CRITERIA.—In determining whether
5 to award a grant to an applicant under subsection (b),
6 the Secretary shall consider, in addition to criteria de-
7 scribed in section 426(b)—

8 “(1) the inclusiveness of the community board
9 involved and the process the board administered, if
10 applicable;

11 “(2) the comprehensiveness and coordination of
12 the homelessness prevention, housing, and services
13 programs (including discharge planning and service
14 termination protocols) within the geographic area
15 served by the community board;

16 “(3) the efforts undertaken to involve all com-
17 munity organizations providing services to homeless
18 individuals and organizations representing under-
19 served communities participated in the continuum of
20 care;

21 “(4) the extent to which prioritized programs
22 meet unmet needs;

23 “(5) the capacity of the geographic area to le-
24 verage funding from other public and private
25 sources;

1 “(6) the long-term strategy of the applicable
2 States and units of general local government to com-
3 bat, prevent, and end homelessness;

4 “(7) the performance of the homelessness pre-
5 vention, housing, and services programs funded in
6 the fiscal year prior to the date of submission of the
7 application;

8 “(8) the need for services in the geographic
9 area;

10 “(9) the plan by which—

11 “(A) access to appropriate permanent
12 housing will be secured if the proposed project
13 does not include permanent housing; and

14 “(B) access to outcome-effective supportive
15 services will be secured for residents or con-
16 sumers involved in the project who are willing
17 to use the services;

18 “(10) the evaluation plan for evaluations of the
19 project, which—

20 “(A) will use periodically collected informa-
21 tion and analysis to determine whether the
22 project has resulted in enhanced stability and
23 well-being of the residents or consumers served
24 by the project;

1 “(B) will include evaluations obtained di-
2 rectly from the individuals or families served by
3 the project; and

4 “(C) will be submitted by the recipient for
5 the grant to the community board for review
6 and use in assessments, conducted by the board
7 consistent with the board’s duty to ensure effec-
8 tive outcomes that contribute to the goal of pre-
9 venting and ending homelessness in the geo-
10 graphic area served by the board;

11 “(11) the extent to which the applicable States
12 and units of general local government have made
13 commitments to and are taking actions to uphold
14 the civil rights of homeless families and individuals,
15 including removing or repealing any policies or laws
16 that—

17 “(A) penalize homeless individuals and
18 families based upon their status as homeless;

19 “(B) establish status offenses which may
20 result in runaway and homeless youths being
21 adjudicated as delinquent; or

22 “(C) disallow reasonable inclusion and dis-
23 tribution in the geographic area of special needs
24 populations and families with children and the

1 facilities that serve the populations and fami-
2 lies; and

3 “(12) any other criteria the Secretary deter-
4 mines to be reasonably appropriate.

5 “(f) NOTIFICATION OF PRO RATA ESTIMATED
6 GRANT AMOUNTS.—

7 “(1) NOTICE.—The Secretary shall inform each
8 community board, at a time concurrent with the re-
9 lease of the notice of funding availability for the
10 grants, of the pro rata estimated grant amount
11 under this subtitle for the geographic area rep-
12 resented by the board.

13 “(2) AMOUNT.—

14 “(A) BASIS.—Such estimated grant
15 amount shall be based on a percentage of the
16 total funds available, or estimated to be avail-
17 able, to carry out this subtitle for any fiscal
18 year that is equal to the percentage of the total
19 amount available for section 106 of the Hous-
20 ing and Community Development Act of 1974
21 (42 U.S.C. 5306) for the prior fiscal year
22 that—

23 “(i) was allocated to all metropolitan
24 cities and urban counties within the geo-
25 graphic area represented by the Board; or

1 “(ii) would have been distributed to
2 all counties within such geographic area
3 that are not urban counties, if the 30 per-
4 cent portion of the allocation to the State
5 involved (as described in subsection (d)(1)
6 of that section 106) for that year had been
7 distributed among the counties that are
8 not urban counties in the State in accord-
9 ance with the formula specified in that
10 subsection (with references in that sub-
11 section to nonentitlement areas considered
12 to be references to those counties).

13 “(B) ADJUSTMENT.—In computing the es-
14 timated grant amount, the Secretary shall ad-
15 just the estimated grant amount determined
16 pursuant to subparagraph (A) to ensure that—

17 “(i) 75 percent of the total funds
18 available, or estimated to be available, to
19 carry out this subtitle for any fiscal year
20 are allocated to the metropolitan cities and
21 urban counties that received a direct allo-
22 cation of funds under section 413 for the
23 prior fiscal year; and

24 “(ii) 25 percent of the total funds
25 available, or estimated to be available, to

1 carry out this subtitle for any fiscal year
2 are allocated—

3 “(I) to the metropolitan cities
4 and urban counties that did not re-
5 ceive a direct allocation of funds
6 under section 413 for the prior fiscal
7 year; and

8 “(II) to counties that are not
9 urban counties.

10 “(C) COMBINATIONS OR CONSORTIA.—For
11 any community board that represents a com-
12 bination or consortium of cities or counties, the
13 estimated grant amount shall be the sum of the
14 estimated grant amounts for the cities or coun-
15 ties represented by the board.

16 “(g) APPEALS.—

17 “(1) IN GENERAL.—Not later than 3 months
18 after the date of enactment of the Homeless Emer-
19 gency Assistance and Rapid Transition to Housing
20 Act of 2007, the Secretary shall establish a timely
21 appeal procedure for grant amounts awarded or de-
22 nied under this subtitle pursuant to a collaborative
23 application or solo application for funding.

24 “(2) PROCESS.—The Secretary shall ensure
25 that the procedure permits appeals submitted by

1 community boards, entities carrying out homeless
2 housing and services projects (including emergency
3 shelters and homelessness prevention programs),
4 homeless planning bodies not designated by the Sec-
5 retary as community boards, and all other applicants
6 under this subtitle.

7 “(h) SOLO APPLICANTS.—A solo applicant may sub-
8 mit an application to the Secretary for a grant under sub-
9 section (b) and be awarded such grant on the same basis
10 as such grants are awarded to other applicants based on
11 the criteria described in subsection (e), but only if the Sec-
12 retary determines that the solo applicant has attempted
13 to participate in the continuum of care process but was
14 not permitted to participate in a reasonable manner. The
15 Secretary may award such grants directly to such appli-
16 cants in a manner determined to be appropriate by the
17 Secretary.”.

18 **SEC. 302. ELIGIBLE ACTIVITIES.**

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

22 **“SEC. 423. ELIGIBLE ACTIVITIES.**

23 “(a) IN GENERAL.—Grants awarded under section
24 422 to qualified applicants shall be used only to carry out

1 homeless assistance and prevention projects that consist
2 of one or more of the following eligible activities:

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

5 “(2) Acquisition or rehabilitation of a structure
6 to provide transitional or permanent housing, other
7 than emergency shelter, or to provide supportive
8 services.

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

13 “(4) Provision of rental assistance to provide
14 transitional or permanent housing to eligible per-
15 sons. The rental assistance may include tenant-
16 based, project-based, or independently owned rental
17 assistance.

18 “(5) Payment of operating costs for housing
19 units assisted under this subtitle.

20 “(6) Supportive services.

21 “(7) Homelessness prevention activities, subject
22 to subsection (b).

23 “(b) ELIGIBILITY FOR FUNDS FOR HOMELESSNESS
24 PREVENTION ACTIVITIES.—

1 “(1) APPLICATION REQUIREMENT.—To be eligi-
2 ble to receive grant funds under section 422 to carry
3 out homelessness prevention activities, an applicant
4 shall submit an application to the Secretary under
5 section 422 that shall include a certification in
6 which—

7 “(A) the relevant public entities in the geo-
8 graphic area involved certify compliance with
9 paragraph (2); and

10 “(B) the publicly funded institutions, fa-
11 cilities, and systems of care in the geographic
12 area certify that the institutions, facilities, and
13 systems of care will take, and fund directly, all
14 reasonable measures to ensure that the institu-
15 tions, facilities, and systems of care do not dis-
16 charge individuals into homelessness.

17 “(2) SUPPLEMENTATION REQUIREMENT.—
18 Funds appropriated under section 408 and made
19 available for homelessness prevention activities shall
20 be used to supplement, and not supplant, other Fed-
21 eral, State, and local public funds used for homeles-
22 ness prevention.

23 “(c) USE RESTRICTIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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 **SEC. 303. PROGRAM REQUIREMENTS.**

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

18 (1) in subsection (a)—

19 (A) in paragraph (1), by striking “Applica-
20 tions” and all that follows through “shall” and
21 inserting “Applications for assistance under
22 section 422 shall”;

23 (B) in paragraph (2)—

24 (i) by striking subparagraph (B) and
25 inserting the following new subparagraph:

1 “(B) a description of the size and charac-
2 teristics of the population that would occupy
3 housing units or receive supportive services as-
4 sisted under this subtitle;”; and

5 (ii) in subparagraph (E), by striking
6 “in the case of projects assisted under this
7 title that do not receive assistance under
8 such sections,”; and

9 (C) in paragraph (3), in the last sentence,
10 by striking “recipient” and inserting “recipient
11 or project sponsor”;

12 (2) in subsection (d), in the first sentence, by
13 striking “recipient” and inserting “recipient or
14 project sponsor”;

15 (3) by striking subsection (e);

16 (4) by redesignating subsections (f), (g), and
17 (h), as subsections (e), (f), and (g), respectively;

18 (5) in subsection (f) (as so redesignated by
19 paragraph (4) of this section), in the first sentence,
20 by striking “recipient” each place it appears and in-
21 serting “recipient or project sponsor”;

22 (6) by striking subsection (i); and

23 (7) by redesignating subsection (j) as sub-
24 section (h).

1 **SEC. 304. ALLOCATION AMOUNTS AND FUNDING.**

2 The McKinney-Vento Homeless Assistance Act is
3 amended—

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

5 and

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

9 (3) by inserting after section 426 the following
10 new sections:

11 **“SEC. 427. ALLOCATION OF AMOUNTS FOR SPECIFIC ELIGI-**
12 **BLE ACTIVITIES.**

13 “(a) PREVENTION ACTIVITIES.—From the amount
14 made available to carry out this subtitle for each fiscal
15 year (not including any amounts made available under sec-
16 tion 408 and allocated for use under subtitle B), an
17 amount equal to not more than 3 percent shall be used
18 for prevention activities described in section 423(a)(9).

19 “(b) TREATMENT OF AMOUNTS FOR PERMANENT OR
20 TRANSITIONAL HOUSING.—Nothing in this Act may be
21 construed to establish a limit on the amount of funding
22 that an applicant may request under this subtitle for ac-
23 quisition, construction, or rehabilitation activities for the
24 development of permanent housing or transitional hous-
25 ing.

1 **“SEC. 428. RENEWAL FUNDING AND TERMS OF ASSISTANCE**
2 **FOR GRANT AMOUNTS FOR PERMANENT**
3 **HOUSING.**

4 “(a) AVAILABILITY OF AMOUNTS.—Of the total
5 amount made available for use in connection with this sub-
6 title, such sums as may be necessary shall be used for re-
7 newing expiring contracts within the ‘Homeless Assistance
8 Grants’ account of the Department of Housing and Urban
9 Development.

10 “(b) TERMS OF RENEWAL ASSISTANCE.—Amounts
11 used pursuant to subsection (a) shall be available for the
12 renewal of contracts funded under this subtitle, subtitle
13 C, or subtitle F, for homeless individuals and homeless
14 families. The Secretary shall determine whether to renew
15 a contract on the basis of demonstrated need for the
16 project and the compliance of the entity carrying out the
17 project with appropriate standards of housing quality and
18 habitability as determined by the Secretary.

19 **“SEC. 429. ADMINISTRATIVE EXPENSES.**

20 “(a) ADMINISTRATIVE EXPENSES.—Grant amounts
21 awarded under this subtitle may be used for administra-
22 tive expenses, including expenses for—

23 “(1) carrying out routine grant administration
24 and monitoring activities;

25 “(2) receipt and disbursement of program
26 funds;

1 “(3) preparation of financial and performance
2 reports, including carrying out management infor-
3 mation system functions; and

4 “(4) compliance with grant conditions and audit
5 requirements.

6 “(b) LIMITATIONS ON ADMINISTRATIVE EX-
7 PENSES.—A portion, of not more than 6 percent, of grant
8 amounts awarded under this subtitle may be used for ad-
9 ministrative expenses described in subsection (a), and not
10 less than ½ of such portion shall be allocated to nonprofit
11 organizations and other project sponsors to fund manage-
12 ment information system functions, application prepara-
13 tion, and preparation of annual performance and other
14 evaluation reports.

15 **“SEC. 430. MATCHING FUNDING.**

16 “An entity who submits an application and receives
17 a grant under this subtitle shall make available contribu-
18 tions, in cash or in donated services, in an amount equal
19 to not less than 25 percent of the Federal funds provided
20 under the grant.

21 **“SEC. 431. APPEAL PROCEDURE.**

22 “(a) IN GENERAL.—With respect to funding under
23 this subtitle, if certification of consistency with the consoli-
24 dated plan pursuant to section 403 is withheld from an
25 applicant who has submitted an application for that cer-

1 tification, such applicant may appeal such decision to the
2 Secretary.

3 “(b) PROCEDURE.—The Secretary shall establish a
4 procedure to process the appeals described in subsection
5 (a).

6 “(c) DETERMINATION.—Not later than 45 days after
7 the date of receipt of an appeal described in subsection
8 (a), the Secretary shall determine if certification was un-
9 reasonably withheld. If such certification was unreason-
10 ably withheld, the Secretary shall review such application
11 and determine if such applicant shall receive funding
12 under this subtitle.”.

13 **TITLE IV—REPEALS AND** 14 **CONFORMING AMENDMENTS**

15 **SEC. 401. REPEALS.**

16 Subtitles D, E, F, and G of title IV of the McKinney-
17 Vento Homeless Assistance Act (42 U.S.C. 11391 et seq.,
18 11401 et seq., 11403 et seq., and 11408 et seq.) are here-
19 by repealed.

20 **SEC. 402. CONFORMING AMENDMENTS.**

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

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

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

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

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

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

14 **SEC. 403. AMENDMENT TO TABLE OF CONTENTS.**

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

“TITLE IV—HOUSING ASSISTANCE

“Subtitle A—Comprehensive Homeless Assistance Plan

“Sec. 401. Definitions.

“Sec. 402. Community homeless assistance planning boards.

“Sec. 403. Housing affordability strategy.

“Sec. 404. Technical assistance.

“Sec. 405. Performance reports.

“Sec. 406. Discharge coordination policy.

“Sec. 407. Protection of personally identifying information by victim service
providers.

“Sec. 408. Authorization of appropriations.

“Subtitle B—Emergency Shelter Grants Program

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

“Subtitle C—Continuum of Care Program

- “Sec. 421. Purpose.
- “Sec. 422. Continuum of care applications and grants.
- “Sec. 423. Eligible activities.
- “Sec. 424. Supportive housing.
- “Sec. 425. Supportive services.
- “Sec. 426. Program requirements.
- “Sec. 427. Allocation of amounts for specific eligible activities.
- “Sec. 428. Renewal funding and terms of assistance for grant amounts for permanent housing.
- “Sec. 429. Administrative expenses.
- “Sec. 430. Matching funding.
- “Sec. 431. Appeal procedure.
- “Sec. 432. Regulations.
- “Sec. 433. Reports to Congress.”.

