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Title 42 - THE PUBLIC HEALTH AND WELFARE

CHAPTER 119 - HOMELESS ASSISTANCE

SUBCHAPTER I - GENERAL PROVISIONS

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The Homeless Children and Youth Act – HR 1511, S 611
Amendments to Current Law

(Additions to existing law indicated by double underlining; deletions from existing law indicated by strike-outs).

SUBCHAPTER I—GENERAL PROVISIONS

* * *

§11302. General definition of homeless individual

(a) In general

For purposes of this chapter, the terms "homeless", "homeless individual", and "homeless person" means— ¹

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

(2) an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;

(3) an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);

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

(5) an individual or family who—

(A) will imminently lose their housing, including housing they own, rent, or live in without paying rent, ~~are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations,~~ as evidenced by—

(i) a court order resulting from an eviction action that notifies the individual or family that they must leave within ~~14~~ 30 days; or

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

~~(iii) (ii) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 30 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;~~

~~(B) has no subsequent residence identified; and~~

~~(C) lacks the resources or support networks needed to obtain other permanent housing; and~~

(6) a child or youth defined as homeless under another Federal program who, without further action by the Department of Housing and Urban Development, has been verified as homeless under another Federal program by the director, designee of the director, or other person responsible for the implementation of a program established under this Act or any other Federal statute.

~~(6) unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—~~

~~(A) have experienced a long term period without living independently in permanent housing;~~

~~(B) have experienced persistent instability as measured by frequent moves over such period; and~~

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

(b) Domestic violence and other dangerous or life-threatening conditions

Notwithstanding any other provision of this section, the Secretary shall consider to be homeless any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing.

(c) Income eligibility

(1) In general

A homeless individual shall be eligible for assistance under any program provided by this chapter, only if the individual complies with the income eligibility requirements otherwise applicable to such program.

(2) Exception

Notwithstanding paragraph (1), a homeless individual shall be eligible for assistance under title I of the Workforce Innovation and Opportunity Act [29 U.S.C. 3111 et seq.].

(d) Exclusion

For purposes of this chapter, the term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

(e) Persons experiencing homelessness

Any references in this chapter to homeless individuals (including homeless persons) or homeless groups (including homeless persons) shall be considered to include, and to refer to, individuals experiencing homelessness or groups experiencing homelessness, respectively.

(f) Other Definitions.—In this section—

(1) the term ‘child or youth defined as homeless under another Federal program’ has the meaning given the term in section 401; and

(2) the term ‘other Federal statute’ has the meaning given the term in section 401.

(g) Prohibition.—The Secretary of Housing and Urban Development may not—

(1) promulgate any rule with respect to the definition of the terms ‘homeless’, ‘homeless individual’, and ‘homeless person’ in subsection (a); or

(2) issue non-regulatory guidance or set forth in an application, a notice of funding availability, or other publication or advisory any statement or provision that—

(A) has the effect of restricting eligibility for assistance for any individual defined as ‘homeless’ under subsection (a) for any program or program component under this Act; or

(B) purports to be legally binding.

* * *

§11360. Definitions

For purposes of this subchapter:

(1) At risk of homelessness

The term "at risk of homelessness" means, with respect to an individual or family, that the individual or family—

(A) has income below 30 percent of median income for the geographic area;

(B) has insufficient resources immediately available to attain housing stability;

and

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

~~(ii) is living in the home of another because of economic hardship;~~

~~(iii) (ii) has been notified that their right to occupy their current housing or living situation will be terminated;~~

~~(iv) lives in a hotel or motel;~~

~~(v) (iii) lives in severely overcrowded housing;~~

~~(vi) (iv) is exiting an institution; or~~

~~(vii) (v) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.~~

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

(2) CHILD OR YOUTH DEFINED AS HOMELESS UNDER ANOTHER FEDERAL PROGRAM.—The term ‘child or youth defined as homeless under another Federal program’ means—

(A) a homeless child or youth, as defined in section 725, including any parent or guardian with whom the child or youth is living; and

(B) a youth who—

(i) is not more than 22 years of age;

(ii) cannot live safely with a parent, legal guardian, or relative; and

(iii) has no other safe alternative living arrangement.

(2) (3) Chronically homeless

(A) In general

The term "chronically homeless" means, with respect to an individual or family, that the individual or family—

(i) is homeless under any provision of section 103 [42 USC 11302] and lives or resides in a place not meant for human habitation, a safe haven, or in an emergency shelter;

(ii) has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least 1 year or on at least 4 separate occasions in the last 3 years; and

(iii) has an adult head of household, a minor head of household (if no adult is present in the household), or a child ~~(or a minor head of household if no adult is present in the household)~~ with a diagnosable substance use disorder, serious mental illness, developmental disability (as defined in section 15002 of this title), post traumatic stress disorder, cognitive impairments resulting from a brain injury, or chronic physical illness or disability, including the co-occurrence of 2 or more of those conditions.

(B) Rule of construction

A person who currently lives or resides in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital or other similar facility, and has resided there for fewer than 90 days shall be considered chronically homeless if such person met all of the requirements described in subparagraph (A) prior to entering that facility.

(3) (4) Collaborative applicant

The term "collaborative applicant" means an entity that—

(A) carries out the duties specified in section 11360a of this title;

(B) serves as the applicant for project sponsors who jointly submit a single application for a grant under part C in accordance with a collaborative process; and

(C) if the entity is a legal entity and is awarded such grant, receives such grant directly from the Secretary.

~~(4)~~ (5) Collaborative application

The term "collaborative application" means an application for a grant under part C that—

- (A) satisfies section 11382 of this title; and
- (B) is submitted to the Secretary by a collaborative applicant.

~~(5)~~ (6) Consolidated Plan

The term "Consolidated Plan" means a comprehensive housing affordability strategy and community development plan required in part 91 of title 24, Code of Federal Regulations.

~~(6)~~ (7) Eligible entity

The term "eligible entity" means, with respect to a part, a public entity, a private entity, or an entity that is a combination of public and private entities, that is eligible to directly receive grant amounts under such part.

~~(7) Families with children and youth defined as homeless under other Federal statutes~~

~~The term "families with children and youth defined as homeless under other Federal statutes" means any children or youth that are defined as "homeless" under any Federal statute other than this part, but are not defined as homeless under section 11302 of this title, and shall also include the parent, parents, or guardian of such children or youth under part B of subchapter VI this ⁺chapter (42 U.S.C. 11431 et seq.).~~

(8) Geographic area

The term "geographic area" means a State, metropolitan city, urban county, town, village, or other nonentitlement area, or a combination or consortia of such, in the United States, as described in section 5306 of this title.

(9) Homeless individual with a disability

(A) In general

The term "homeless individual with a disability" means an individual who is homeless, as defined in any provision of section 11302 of this title, and has a disability that—

- (i)(I) is expected to be long-continuing or of indefinite duration;
 - (II) substantially impedes the individual's ability to live independently;
 - (III) could be improved by the provision of more suitable housing conditions;
- and
- (IV) is a physical, mental, or emotional impairment, including an impairment caused by alcohol or drug abuse, post traumatic stress disorder, or brain injury;
 - (ii) is a developmental disability, as defined in section 15002 of this title; or
 - (iii) is the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agency for acquired immunodeficiency syndrome.

(B) Rule

Nothing in clause (iii) of subparagraph (A) shall be construed to limit eligibility under clause (i) or (ii) of subparagraph (A).

(10) Legal entity

The term "legal entity" means—

(A) an entity described in section 501(c)(3) of title 26 and exempt from tax under section 501(a) of such title;

(B) an instrumentality of State or local government; or

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

(11) Metropolitan city; urban county; nonentitlement area

The terms "metropolitan city", "urban county", and "nonentitlement area" have the meanings given such terms in section 5302(a) of this title.

(12) New

The term "new" means, with respect to housing, that no assistance has been provided under this subchapter for the housing.

(13) Operating costs

The term "operating costs" means expenses incurred by a project sponsor operating transitional housing or permanent housing under this subchapter with respect to—

(A) the administration, maintenance, repair, and security of such housing;

(B) utilities, fuel, furnishings, and equipment for such housing; or

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

(14) OTHER FEDERAL STATUTE.—The term ‘other Federal statute’ includes—

(A) the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.);

(B) the Head Start Act (42 U.S.C. 9831 et seq.);

(C) the Child Care and Development Block Grant of 1990 (42 U.S.C. 9858 et seq.);

(D) subtitle N of the Violence Against Women Act of 1994 (42 U.S.C. 14043e et seq.);

(E) section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h));

(F) section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(G) the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.); and

(H) the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

~~(14)~~ (15) Outpatient health services

The term "outpatient health services" means outpatient health care services, mental health services, and outpatient substance abuse services.

~~(15)~~ (16) Permanent housing

The term "permanent housing" means community-based housing without a designated length of stay, and includes both permanent supportive housing and permanent housing without supportive services.

~~(16)~~ (17) Personally identifying information

The term "personally identifying information" means individually identifying information for or about an individual, including information likely to disclose the

location of a victim of domestic violence, dating violence, sexual assault, or stalking, including—

- (A) a first and last name;
- (B) a home or other physical address;
- (C) contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number);
- (D) a social security number; and
- (E) any other information, including date of birth, racial or ethnic background, or religious affiliation, that, in combination with any other non-personally identifying information, would serve to identify any individual.

~~(17)~~ (18) Private nonprofit organization

The term "private nonprofit organization" means an organization—

- (A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;
- (B) that has a voluntary board;
- (C) that has an accounting system, or has designated a fiscal agent in accordance with requirements established by the Secretary; and
- (D) that practices nondiscrimination in the provision of assistance.

~~(18)~~ (19) Project

The term "project" means, with respect to activities carried out under part C, eligible activities described in section 11383(a) of this title, undertaken pursuant to a specific endeavor, such as serving a particular population or providing a particular resource.

~~(19)~~ (20) Project-based

The term "project-based" means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

- (A) is between—
 - (i) the recipient or a project sponsor; and
 - (ii) an owner of a structure that exists as of the date the contract is entered into; and
- (B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract.

~~(20)~~ (21) Project sponsor

The term "project sponsor" means, with respect to proposed eligible activities, the organization directly responsible for carrying out the proposed eligible activities.

~~(21)~~ (22) Recipient

Except as used in part B, the term "recipient" means an eligible entity who—

- (A) submits an application for a grant under section 11382 of this title that is approved by the Secretary;
- (B) receives the grant directly from the Secretary to support approved projects described in the application; and
- (C)(i) serves as a project sponsor for the projects; or
- (ii) awards the funds to project sponsors to carry out the projects.

~~(22)~~ **23 Secretary**

The term "Secretary" means the Secretary of Housing and Urban Development.

~~(23)~~ **24 Serious mental illness**

The term "serious mental illness" means a severe and persistent mental illness or emotional impairment that seriously limits a person's ability to live independently.

~~(24)~~ **25 Solo applicant**

The term "solo applicant" means an entity that is an eligible entity, directly submits an application for a grant under part C to the Secretary, and, if awarded such grant, receives such grant directly from the Secretary.

~~(25)~~ **26 Sponsor-based**

The term "sponsor-based" means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—

(A) is between—

(i) the recipient or a project sponsor; and

(ii) an independent entity that—

(I) is a private organization; and

(II) owns or leases dwelling units; and

(B) provides that rental assistance payments shall be made to the independent entity and that eligible persons shall occupy such assisted units.

~~(26)~~ **27 State**

Except as used in part B, the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

~~(27)~~ **28 Supportive services**

The term "supportive services" means services that address the special needs of people served by a project, including—

(A) the establishment and operation of a child care services program for families experiencing homelessness;

(B) the establishment and operation of an employment assistance program, including providing job training;

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

(D) the provision of assistance in obtaining permanent housing, employment counseling, and nutritional counseling;

(E) the provision of outreach services, advocacy, life skills training, and housing search and counseling services;

(F) the provision of mental health services, trauma counseling, and victim services;

(G) the provision of assistance in obtaining other Federal, State, and local assistance available for residents of supportive housing (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment);

(H) the provision of legal services for purposes including requesting reconsiderations and appeals of veterans and public benefit claim denials and resolving outstanding warrants that interfere with an individual's ability to obtain and retain housing;

(I) the provision of—

(i) transportation services that facilitate an individual's ability to obtain and maintain employment; and

(ii) health care; and

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

~~(28)~~ (29) Tenant-based

The term "tenant-based" means, with respect to rental assistance, assistance that—

(A) allows an eligible person to select a housing unit in which such person will live using rental assistance provided under part C, except that if necessary to assure that the provision of supportive services to a person participating in a program is feasible, a recipient or project sponsor may require that the person live—

(i) in a particular structure or unit for not more than the first year of the participation;

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

(B) provides that a person may receive such assistance and move to another structure, unit, or geographic area if the person has complied with all other obligations of the program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.

~~(29)~~ (30) Transitional housing

The term "transitional housing" means housing the purpose of which is to facilitate the movement of individuals and families experiencing homelessness to permanent housing within 24 months or such longer period as the Secretary determines necessary.

~~(30)~~ (31) Unified funding agency

The term "unified funding agency" means a collaborative applicant that performs the duties described in section 11360a(g) of this title.

~~(31)~~ (32) Underserved populations

The term "underserved populations" includes populations underserved because of geographic location, underserved racial and ethnic populations, populations underserved because of special needs (such as language barriers, disabilities, alienage status, or age), children under 5 years of age, youth and young adults between 14 and 25 years of age, and any other population determined to be underserved by the Secretary, as appropriate.

~~(32)~~ (33) Victim service provider

The term "victim service provider" means a private nonprofit organization whose primary mission is to provide services to victims of trafficking, domestic violence, dating violence, sexual assault, or stalking. Such term includes rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs.

~~(33)~~ (34) Victim services

The term "victim services" means services that assist victims of trafficking, domestic violence, dating violence, sexual assault, or ~~stalking victims~~ stalking, including services offered by rape crisis centers and domestic violence shelters, and other organizations, with a documented history of effective work concerning trafficking, domestic violence, dating violence, sexual assault, or stalking.

§11360a. Collaborative applicants

(a) Establishment and designation

A collaborative applicant shall be established for a geographic area by the relevant parties in that geographic area to—

- (1) submit an application for amounts under this part; and
- (2) perform the duties specified in subsection (f) and, if applicable, subsection (g).

(b) No requirement to be a legal entity

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

(c) Remedial action

If the Secretary finds that a collaborative applicant for a geographic area does not meet the requirements of this section, or if there is no collaborative applicant for a geographic area, the Secretary may take remedial action to ensure fair distribution of grant amounts under part C to eligible entities within that area. Such measures may include designating another body as a collaborative applicant, or permitting other eligible entities to apply directly for grants.

(d) Construction

Nothing in this section shall be construed to displace conflict of interest or government fair practices laws, or their equivalent, that govern applicants for grant amounts under parts B and C.

(e) Appointment of agent

(1) In general

Subject to paragraph (2), a collaborative applicant may designate an agent to—

- (A) apply for a grant under section 11382(c) of this title;
- (B) receive and distribute grant funds awarded under part C; and
- (C) perform other administrative duties.

(2) Retention of duties

Any collaborative applicant that designates an agent pursuant to paragraph (1) shall regardless of such designation retain all of its duties and responsibilities under this subchapter.

(f) Duties

A collaborative applicant shall—

(1) design a collaborative process for the development of an application under part C, and for evaluating the outcomes of projects for which funds are awarded under part B, in such a manner as to provide information necessary for the Secretary—

(A) to determine compliance with—

- (i) the program requirements under section 11386 of this title; and
- (ii) the selection criteria described under section 11386a of this title; and

(B) to establish priorities for funding projects in the geographic area involved considering the prevalence and needs of homeless individuals, as defined under any provision of section 103 [42 USC 11302];

(2) participate in the Consolidated Plan for the geographic area served by the collaborative applicant; and

(3) ensure operation of, and consistent participation by, project sponsors in a community-wide homeless management information system (in this subsection referred to as "HMIS") that—

(A) collects unduplicated counts of individuals and families experiencing homelessness;

(B) analyzes patterns of use of assistance provided under parts B and C for the geographic area involved;

(C) provides information to project sponsors and applicants for needs analyses and funding priorities; and

(D) is developed in accordance with standards established by the Secretary, including standards that provide for—

(i) encryption of data collected for purposes of HMIS;

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

(iii) access to HMIS data by staff, contractors, law enforcement, and academic researchers;

(iv) rights of persons receiving services under this subchapter;

(v) criminal and civil penalties for unlawful disclosure of data; ~~and~~

(vi) the submission of HMIS data to the Secretary on at least an annual basis;
and

~~(vi)~~ (vii) such other standards as may be determined necessary by the Secretary.

(g) Unified funding

(1) In general

In addition to the duties described in subsection (f), a collaborative applicant shall receive from the Secretary and distribute to other project sponsors in the applicable geographic area funds for projects to be carried out by such other project sponsors, if—

(A) the collaborative applicant—

(i) applies to undertake such collection and distribution responsibilities in an application submitted under this part; and

(ii) is selected to perform such responsibilities by the Secretary; or

- (B) the Secretary designates the collaborative applicant as the unified funding agency in the geographic area, after—
- (i) a finding by the Secretary that the applicant—
 - (I) has the capacity to perform such responsibilities; and
 - (II) would serve the purposes of this chapter as they apply to the geographic area; and
 - (ii) the Secretary provides the collaborative applicant with the technical assistance necessary to perform such responsibilities as such assistance is agreed to by the collaborative applicant.

(2) Required actions by a unified funding agency

A collaborative applicant that is either selected or designated as a unified funding agency for a geographic area under paragraph (1) shall—

- (A) require each project sponsor who is funded by a grant received under part C to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, Federal funds awarded to the project sponsor under part C in order to ensure that all financial transactions carried out under part C are conducted, and records maintained, in accordance with generally accepted accounting principles; and
- (B) arrange for an annual survey, audit, or evaluation of the financial records of each project carried out by a project sponsor funded by a grant received under part C.

(h) Conflict of interest

No board member of a collaborative applicant may participate in decisions of the collaborative applicant concerning the award of a grant, or provision of other financial benefits, to such member or the organization that such member represents.

* * *

§11364. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter \$2,200,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.

(Pub. L. 100–77, title IV, §408, as added Pub. L. 111–22, div. B, title I, §1105, May 20, 2009, 123 Stat. 1678.)

SEC. 409. AVAILABILITY OF HMIS DATA.

(a) In General.—The community-wide homeless management information system (in this section referred to as ‘HMIS’) data provided to the Secretary under section 402(f)(3)(D)(vi) shall be made publically available on the Internet website of the Department of Housing and Urban Development.

(b) Required Data.—The data publically available under subsection (a) shall be updated on at least an annual basis and shall include—

(1) a cumulative count of the number of homeless individuals and families, as defined under any provision of section 103;

(2) a cumulative assessment of the patterns of assistance provided under subtitles B and C for the each geographic area involved;

(3) a count of the number of homeless individuals and families, as defined under any provision of section 103, that are documented through the HMIS by each collaborative applicant; and

(4) a count of the number of homeless women, as defined under any provision of section 103 and both unaccompanied and accompanied, including a breakout of the count by—

(A) age range;

(B) disability;

(C) trauma experience, such as child abuse, sexual assault, or interpersonal violence experienced during the lifetime of the woman and during the preceding year, and if the woman is a veteran (as defined in section 101 of title 38, United States Code), during the period of service; and

(D) length of time experiencing homelessness.

* * *

§11382. Continuum of care applications and grants

(a) Projects

~~The Secretary~~ (1) IN GENERAL.—The Secretary shall award grants, on a competitive basis, and using the selection criteria described in section 11386a of this title, to carry out eligible activities under this part for projects that meet the program requirements under section 11386 of this title, either by directly awarding funds to project sponsors or by awarding funds to unified funding agencies.

(2) RESTRICTIONS.—In awarding grants under paragraph (1), the Secretary —

(A) may not award greater priority, points, or weight in scoring based solely on the specific homeless populations proposed to be served by the applicant, or the proposed program component or housing or service model; and

(B) shall ensure that scoring is based primarily on the extent to which the applicant demonstrates that the project and program components—

(i) would meet the priorities identified in the plan submitted under section 427(b)(1)(B); and

(ii) are cost-effective in meeting the overall goals and objectives identified in that plan.

(b) Notification of funding availability

~~The Secretary~~ (1) IN GENERAL.—The Secretary shall release a notification of funding availability for grants awarded under this part for a fiscal year not later than 3 months after the

date of the enactment of the appropriate Act making appropriations for the Department of Housing and Urban Development for such fiscal year.

(2) RESTRICTIONS.—**Each notification of funding availability described in paragraph (1) shall comply with the restrictions described in subsection (a)(2).**

(c) Applications

(1) Submission to the Secretary

To be eligible to receive a grant under subsection (a), a project sponsor or unified funding agency in a geographic area shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and containing such information as the Secretary determines necessary—

(A) to determine compliance with the program requirements and selection criteria under this part; and

(B) to ~~establish~~ demonstrate local, needs-based priorities for funding projects in the geographic area.

(2) Announcement of awards

(A) In general

Except as provided in subparagraph (B), the Secretary shall announce, within 5 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

(B) Transition

For a period of up to 2 years beginning after the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall announce, within 6 months after the last date for the submission of applications described in this subsection for a fiscal year, the grants conditionally awarded under subsection (a) for that fiscal year.

(d) Obligation, distribution, and utilization of funds

(1) Requirements for obligation

(A) In general

Not later than 9 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements, except as provided in subparagraphs (B) and (C).

(B) Acquisition, rehabilitation, or construction

Not later than 24 months after the announcement referred to in subsection (c)(2), each recipient or project sponsor seeking the obligation of funds for acquisition of housing, rehabilitation of housing, or construction of new housing for a grant announced under subsection (c)(2) shall meet all requirements for the obligation of those funds, including site control, matching funds, and environmental review requirements.

(C) Extensions

At the discretion of the Secretary, and in compelling circumstances, the Secretary may extend the date by which a recipient or project sponsor shall meet the requirements described in subparagraphs (A) and (B) if the Secretary determines that compliance with the requirements was delayed due to factors beyond the reasonable control of the recipient or project sponsor. Such factors may include difficulties in obtaining site control for a proposed project, completing the process of obtaining secure financing for the project, obtaining approvals from State or local governments, or completing the technical submission requirements for the project.

(2) Obligation

Not later than 45 days after a recipient or project sponsor meets the requirements described in paragraph (1), the Secretary shall obligate the funds for the grant involved.

(3) Distribution

A recipient that receives funds through such a grant—

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

(B) shall distribute the appropriate portion of the funds to a project sponsor not later than 45 days after receiving a request for such distribution from the project sponsor.

(4) Expenditure of funds

The Secretary may establish a date by which funds made available through a grant announced under subsection (c)(2) for a homeless assistance project shall be entirely expended by the recipient or project sponsors involved. The date established under this paragraph shall not occur before the expiration of the 24-month period beginning on the date that funds are obligated for activities described under paragraphs ¹(1) or (2) of section 11383(a) of this title. The Secretary shall recapture the funds not expended by such date. The Secretary shall reallocate the funds for another homeless assistance and prevention project that meets the requirements of this part to be carried out, if possible and appropriate, in the same geographic area as the area served through the original grant.

(e) Renewal funding for unsuccessful applicants

The Secretary may renew funding for a specific project previously funded under this part that the Secretary determines meets the purposes of this part, and was included as part of a total application that met the criteria of subsection (c), even if the application was not selected to receive grant assistance. The Secretary may renew the funding for a period of not more than 1 year, and under such conditions as the Secretary determines to be appropriate.

(f) Considerations in determining renewal funding

When providing renewal funding for leasing, operating costs, or rental assistance for permanent housing, the Secretary shall make adjustments proportional to increases in the fair market rents in the geographic area.

(g) More than 1 application for a geographic area

If more than 1 collaborative applicant applies for funds for a geographic area, the Secretary shall award funds to the collaborative applicant with the highest score based on the selection criteria set forth in section 11386a of this title.

(h) Appeals

(1) In general

The Secretary shall establish a timely appeal procedure for grant amounts awarded or denied under this part pursuant to a collaborative application or solo application for funding.

(2) Process

The Secretary shall ensure that the procedure permits appeals submitted by entities carrying out homeless housing and services projects (including emergency shelters and homelessness prevention programs), and all other applicants under this part.

(i) Solo applicants

A solo applicant may submit an application to the Secretary for a grant under subsection (a) and be awarded such grant on the same basis as such grants are awarded to other applicants based on the criteria described in section 11386a of this title, but only if the Secretary determines that the solo applicant has attempted to participate in the continuum of care process but was not permitted to participate in a reasonable manner. The Secretary may award such grants directly to such applicants in a manner determined to be appropriate by the Secretary.

~~(j) Flexibility to serve persons defined as homeless under other Federal laws~~

~~(1) In general~~

~~A collaborative applicant may use not more than 10 percent of funds awarded under this part (continuum of care funding) for any of the types of eligible activities specified in paragraphs (1) through (7) of section 11383(a) of this title to serve families with children and youth defined as homeless under other Federal statutes, or homeless families with children and youth defined as homeless under section 11302(a)(6) of this title, but only if the applicant demonstrates that the use of such funds is of an equal or greater priority or is equally or more cost effective in meeting the overall goals and objectives of the plan submitted under section 11386a(b)(1)(B) of this title, especially with respect to children and unaccompanied youth.~~

~~(2) Limitations~~

~~The 10 percent limitation under paragraph (1) shall not apply to collaborative applicants in which the rate of homelessness, as calculated in the most recent point in time count, is less than one-tenth of 1 percent of total population.~~

~~(3) Treatment of certain populations~~

~~(A) In general~~

~~Notwithstanding section 11302(a) of this title and subject to subparagraph (B), funds awarded under this part may be used for eligible activities to serve unaccompanied youth and homeless families and children defined as homeless under section 11302(a)(6) of this title only pursuant to paragraph (1) of this subsection and such families and children shall not otherwise be considered as homeless for purposes of this part.~~

(B) At risk of homelessness

~~Subparagraph (A) may not be construed to prevent any unaccompanied youth and homeless families and children defined as homeless under section 11302(a)(6) of this title from qualifying for, and being treated for purposes of this part as, at risk of homelessness or from eligibility for any projects, activities, or services carried out using amounts provided under this part for which individuals or families that are at risk of homelessness are eligible.~~

* * *

§11384. Incentives for high-performing communities

(a) Designation as a high-performing community

(1) In general

The Secretary shall designate, on an annual basis, which collaborative applicants represent high-performing communities.

(2) Consideration

In determining whether to designate a collaborative applicant as a high-performing community under paragraph (1), the Secretary shall establish criteria to ensure that the requirements described under paragraphs (1)(B) and (2)(B) of subsection (d) are measured by comparing homeless individuals and families under similar circumstances, in order to encourage projects in the geographic area to serve homeless individuals and families with more severe barriers to housing stability.

(3) 2-year phase in

In each of the first 2 years after the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, the Secretary shall designate not more than 10 collaborative applicants as high-performing communities.

(4) Excess of qualified applicants

If, during the 2-year period described under paragraph (2), more than 10 collaborative applicants could qualify to be designated as high-performing communities, the Secretary shall designate the 10 that have, in the discretion of the Secretary, the best performance based on the criteria described under subsection (d).

(5) Time limit on designation

The designation of any collaborative applicant as a high-performing community under this subsection shall be effective only for the year in which such designation is made. The Secretary, on an annual basis, may renew any such designation.

(b) Application

(1) In general

A collaborative applicant seeking designation as a high-performing community under subsection (a) shall submit an application to the Secretary at such time, and in such manner as the Secretary may require.

(2) Content of application

In any application submitted under paragraph (1), a collaborative applicant shall include in such application—

(A) a report showing how any money received under this part in the preceding year was expended; and

(B) information that such applicant can meet the requirements described under subsection (d).

(3) Publication of application

The Secretary shall—

(A) publish any report or information submitted in an application under this section in the geographic area represented by the collaborative applicant; and

(B) seek comments from the public as to whether the collaborative applicant seeking designation as a high-performing community meets the requirements described under subsection (d).

(c) Use of funds

Funds awarded under section 11382(a) of this title to a project sponsor who is located in a high-performing community may be used—

(1) for any of the eligible activities described in section 11383 of this title; or

(2) for any of the eligible activities described in paragraphs (4) and (5) of section 11374(a) of this title.

(d) Definition of high-performing community

For purposes of this section, the term "high-performing community" means a geographic area that demonstrates through reliable data that all five of the following requirements are met for that geographic area:

(1) Term of homelessness

The mean length of episodes of homelessness for that geographic area—

(A) is less than 20 days; or

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

(2) Families leaving homelessness

Of individuals and families—

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

(B) in similar circumstances who leave homelessness, the percentage of such individuals and families who become homeless again within the next 2 years has decreased by at least 20 percent from the preceding year.

(3) Community action

The communities that compose the geographic area have—

(A) actively encouraged homeless individuals and families to participate in homeless assistance services available in that geographic area; and

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

(4) Effectiveness of previous activities

If recipients in the geographic area have used funding awarded under section 11382(a) of this title for eligible activities described under section 11374(a) of this title in previous years based on the authority granted under subsection (c), that such activities were effective at reducing the number of individuals and families who became homeless in that community.

~~(5) Flexibility to serve persons defined as homeless under other Federal laws~~

~~With respect to collaborative applicants exercising the authority under section 11382(j) of this title to serve homeless families with children and youth defined as homeless under other Federal statutes, effectiveness in achieving the goals and outcomes identified in subsection ⁺ 11386a(b)(1)(F) of this title according to such standards as the Secretary shall promulgate.~~

(e) Cooperation among entities

A collaborative applicant designated as a high-performing community under this section shall cooperate with the Secretary in distributing information about successful efforts within the geographic area represented by the collaborative applicant to reduce homelessness.

§11385. Supportive services

(a) In general

To the extent practicable, each project shall provide supportive services for residents of the project and homeless persons using the project, which may be designed by the recipient or participants.

(b) Requirements

Supportive services provided in connection with a project shall address the special needs of individuals (such as homeless persons with disabilities and homeless families with children) intended to be served by a project.

(c) Services

Supportive services may include such activities as (A) establishing and operating a child care services program for homeless families, (B) establishing and operating an employment assistance program, (C) providing outpatient health services, food, and case management, (D) providing assistance in obtaining permanent housing, employment counseling, and nutritional counseling, (E) providing security arrangements necessary for the protection of residents of supportive housing and for homeless persons using the housing or project, (F) providing assistance in obtaining other Federal, State, and local assistance available for such residents (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment), ~~and (G) providing~~ (G) providing transportation to employment, early care and education programs, career and technical education programs, and health and mental health care services, and (H) providing other appropriate services.

(d) Provision of services

Services provided pursuant to this section may be provided directly by the recipient or by contract with other public or private service providers. Such services may be provided to homeless individuals who do not reside in supportive housing.

(e) Coordination with Secretary of Health and Human Services

(1) Approval

Promptly upon receipt of any application for assistance under this part that includes the provision of outpatient health services, the Secretary of Housing and Urban Development shall consult with the Secretary of Health and Human Services with respect to the proposed outpatient health services. If, within 45 days of such consultation, the Secretary of Health and Human Services determines that the proposal for delivery of the outpatient health services does not meet guidelines for determining the appropriateness of such proposed services, the Secretary of Housing and Urban Development may require resubmission of the application, and the Secretary of Housing and Urban Development may not approve such portion of the application unless and until such portion has been resubmitted in a form that the Secretary of Health and Human Services determines meets such guidelines.

(2) Guidelines

The Secretary of Housing and Urban Development and the Secretary of Health and Human Services shall jointly establish guidelines for determining the appropriateness of proposed outpatient health services under this section. Such guidelines shall include any provisions necessary to enable the Secretary of Housing and Urban Development to meet the time limits under this part for the final selection of applications for assistance.

§11386. Program requirements

(a) Site control

The Secretary shall require that each application include reasonable assurances that the applicant will own or have control of a site for the proposed project not later than the expiration of the 12-month period beginning upon notification of an award for grant assistance, unless the application proposes providing supportive housing assistance under section 11383(a)(3) of this title or housing that will eventually be owned or controlled by the families and individuals served. An applicant may obtain ownership or control of a suitable site different from the site specified in the application. If any recipient or project sponsor fails to obtain ownership or control of the site within 12 months after notification of an award for grant assistance, the grant shall be recaptured and reallocated under this part.

(b) Required agreements

The Secretary may not provide assistance for a proposed project under this part unless the collaborative applicant involved agrees—

- (1) to ensure the operation of the project in accordance with the provisions of this part;
- (2) to monitor and report to the Secretary the progress of the project;
- (3) to ensure, to the maximum extent practicable, that individuals and families experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities for the project and in providing supportive services for the project;
- (4) to require certification from all project sponsors that—
 - (A) they will maintain the confidentiality of records pertaining to any individual or family provided family violence prevention or treatment services through the project;

(B) that ¹ the address or location of any family violence shelter project assisted under this part will not be made public, except with written authorization of the person responsible for the operation of such project;

(C) they will establish policies and practices that are consistent with, and do not restrict the exercise of rights provided by, part B of subchapter VI [42 U.S.C. 11431 et seq.], and other laws relating to the provision of educational and related services to individuals and families experiencing homelessness;

~~(D) in the case of programs that provide housing or services to families, they will designate a staff person to be responsible for ensuring that children being served in the program are enrolled in school and connected to appropriate services in the community, including early childhood programs such as Head Start, part C of the Individuals with Disabilities Education Act [20 U.S.C. 1431 et seq.], and programs authorized under part B of subchapter VI of this chapter (42 U.S.C. 11431 et seq.); and~~

(D) in the case of programs providing housing or services to families or youth, they will designate a staff person to be responsible for ensuring that children and youth being served in the program are—

(i) enrolled in school and connected to appropriate services in the community, including Head Start, part C of the Individuals with Disabilities Act, programs authorized under the Child Care and Development Block Grant Act of 1990, career and technical education, and services provided by local educational agency liaisons designated under subtitle B of title VII of this Act; and

(ii) in the case of an unaccompanied youth, as defined in section 725, informed of their status as an independent student under section 480 of the Higher Education Act of 1965 (20 U.S.C. 1087vv) and receive verification of such status for purposes of the Free Application for Federal Student Aid described in section 483 of such Act (20 U.S.C. 1090); and

(E) they will provide data and reports as required by the Secretary pursuant to the Act; ²

(5) if a collaborative applicant is a unified funding agency under section 11360a(g) of this title and receives funds under this part to carry out the payment of administrative costs described in section 11383(a)(11) of this title, to establish such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, such funds in order to ensure that all financial transactions carried out with such funds are conducted, and records maintained, in accordance with generally accepted accounting principles;

(6) to monitor and report to the Secretary the actual compliance with the certifications required under paragraph (4) and the provision of matching funds as required by section 11386d of this title;

(7) to take the educational needs of children and youth into account when families or unaccompanied youth are placed in emergency or transitional shelter and will, to the maximum extent practicable, place families with children and unaccompanied youth as close as possible to their school of origin so as not to disrupt ~~such children's~~ such children and youth's education; and

(8) to comply with such other terms and conditions as the Secretary may establish to carry out this part in an effective and efficient manner.

(c) Occupancy charge

Each homeless individual or family residing in a project providing supportive housing may be required to pay an occupancy charge in an amount determined by the recipient or project sponsor providing the project, which may not exceed the amount determined under section 1437a(a) of this title. Occupancy charges paid may be reserved, in whole or in part, to assist residents in moving to permanent housing.

(d) Flood protection standards

Flood protection standards applicable to housing acquired, rehabilitated, constructed, or assisted under this part shall be no more restrictive than the standards applicable under Executive Order No. 11988 (May 24, 1977) to the other programs under this subchapter.

(e) Participation of homeless individuals

The Secretary shall, by regulation, require each recipient or project sponsor to provide for the participation of not less than 1 homeless individual or former homeless individual on the board of directors or other equivalent policymaking entity of the recipient or project sponsor, to the extent that such entity considers and makes policies and decisions regarding any project, supportive services, or assistance provided under this part. The Secretary may grant waivers to applicants unable to meet the requirement under the preceding sentence if the applicant agrees to otherwise consult with homeless or formerly homeless individuals in considering and making such policies and decisions.

(f) Limitation on use of funds

No assistance received under this part (or any State or local government funds used to supplement such assistance) may be used to replace other State or local funds previously used, or designated for use, to assist homeless persons.

(g) Termination of assistance

If an individual or family who receives assistance under this part (not including residents of an emergency shelter) from a recipient violates program requirements, the recipient may terminate assistance in accordance with a formal process established by the recipient that recognizes the rights of individuals receiving such assistance to due process of law, which may include a hearing.

§11386a. Selection criteria

(a) In general

The Secretary shall award funds to recipients through a national competition between geographic areas based on criteria established by the Secretary.

(b) Required criteria

(1) In general

The criteria established under subsection (a) shall include—

(A) the previous performance of the recipient regarding homelessness, including performance related to funds provided under section 11372 of this title (except that

recipients applying from geographic areas where no funds have been awarded under this part, or under parts C, D, E, or F of subchapter IV of this chapter, as in effect prior to May 20, 2009, shall receive full credit for performance under this subparagraph), measured by criteria that shall be announced by the Secretary, that shall take into account barriers faced by individual homeless people, and that shall include—

- (i) the length of time individuals and families remain homeless;
- (ii) the extent to which individuals and families who leave homelessness experience additional spells of homelessness;
- (iii) the thoroughness of grantees in the geographic area in reaching homeless individuals and families;
- (iv) overall reduction in the number of homeless individuals and families;
- (v) jobs and income growth for homeless individuals and families;
- (vi) success at reducing the number of individuals and families who become homeless; and
- (vii) other accomplishments by the recipient related to reducing homelessness; and
- ~~(viii) for collaborative applicants that have exercised the authority under section 11382(j) of this title to serve families with children and youth defined as homeless under other Federal statutes, success in achieving the goals and outcomes identified in subsection (b)(1)(F);~~

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

- (i) how the number of individuals and families who become homeless will be reduced in the community;
- (ii) how the length of time that individuals and families remain homeless will be reduced;
- ~~(iii) how the recipient will collaborate with local education authorities to assist in the identification of individuals and families who become or remain homeless and are informed of their eligibility for services under part B of subchapter VI of this chapter (42 U.S.C. 11431 et seq.);~~
- (iii) how the recipient will collaborate with local educational agencies, early care and education programs, and institutions of higher education to assist in the identification of and services to youth and families who become or remain homeless, including the steps the recipient will take to inform youth and families of their eligibility for services under part B of subtitle VII of this Act, the Head Start Act (42 U.S.C. 9831 et seq.), the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);
- (iv) the extent to which the recipient will—
 - (I) address the needs of all relevant subpopulations;
 - (II) incorporate comprehensive strategies for reducing homelessness, including the interventions referred to in section 11386b(d) of this title;
 - (III) set quantifiable performance measures;
 - (IV) set timelines for completion of specific tasks;
 - (V) identify specific funding sources for planned activities; and

(VI) identify an individual or body responsible for overseeing implementation of specific strategies; and
~~(v) whether the recipient proposes to exercise authority to use funds under section 11382(j) of this title, and if so, how the recipient will achieve the goals and outcomes identified in subsection (b)(1)(F);~~

(v) how the recipient will ensure the full implementation of the certifications and agreements described in paragraphs (4)(D) and (7) of section 426(b);

(C) the methodology of the recipient used to determine the priority for funding local projects under section 11382(c)(1) of this title, including the extent to which the priority-setting process—

(i) uses periodically collected information and analysis to determine the extent to which each project has resulted in rapid and appropriate return to permanent housing for those served by the project, taking into account the severity of barriers faced by the people the project serves;

(ii) considers the full range of opinions from individuals or entities with knowledge of homelessness in the geographic area or an interest in preventing or ending homelessness in the geographic area;

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

(iv) is open to proposals from entities that have not previously received funds under this part;

(D) the extent to which the amount of assistance to be provided under this part to the recipient will be supplemented with resources from other public and private sources, including mainstream programs identified by the Government Accountability Office in the two reports described in section 11313(a)(7) of this title;

(E) demonstrated coordination by the recipient with the other Federal, State, local, private, and other entities serving individuals and families experiencing homelessness and at risk of homelessness in the planning and operation of projects;

~~(F) for collaborative applicants exercising the authority under section 11382(j) of this title to serve homeless families with children and youth defined as homeless under other Federal statutes, program goals and outcomes, which shall include—~~

~~(i) preventing homelessness among the subset of such families with children and youth who are at highest risk of becoming homeless, as such term is defined for purposes of this subchapter; or~~

~~(ii) achieving independent living in permanent housing among such families with children and youth, especially those who have a history of doubled-up and other temporary housing situations or are living in a temporary housing situation due to lack of available and appropriate emergency shelter, through the provision of eligible assistance that directly contributes to achieving such results including assistance to address chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, or multiple barriers to employment; and~~

~~(G) such other factors as the Secretary determines to be appropriate to carry out this part in an effective and efficient manner.~~

(F) for communities that establish and operate a centralized or coordinated assessment system, the extent to which that system—

(i) ensures that individuals who are most in need of assistance receive it in a timely manner;

(ii) in assessing need under clause (i), uses separate, specific, age-appropriate criteria for assessing the safety and needs of children under 5 years of age, school-age children, unaccompanied youth and young adults between 14 and 25 years of age, and families that are unrelated to the criteria through which an individual qualifies as ‘homeless’ under section 103;

(iii) is accessible to unaccompanied youth and homeless families;

(iv) diverts individuals to safe, stable, age-appropriate accommodations; and

(v) includes affordable housing developers, youth service providers, early childhood programs, local educational agencies, and mental health organizations; and

(G) such other factors as the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner, except that such factors may not have the effect of prioritizing or weighting, unless justified by local data or information contained in a plan submitted under subparagraph (B)—

(i) any service with respect to a specific subpopulation of homeless individuals over another; or

(ii) any program component or housing or service model over another.

(2) Additional criteria

In addition to the criteria required under paragraph (1), the criteria established under paragraph (1) shall also include the need within the geographic area for homeless services, determined as follows and under the following conditions:

(A) Notice

The Secretary shall inform each collaborative applicant, at a time concurrent with the release of the notice of funding availability for the grants, of the pro rata estimated grant amount under this part for the geographic area represented by the collaborative applicant.

(B) Amount

(i) Formula

Such estimated grant amounts shall be determined by a formula, which shall be developed by the Secretary, by regulation, not later than the expiration of the 2-year period beginning upon May 20, 2009, that is based upon factors that are appropriate to allocate funds to meet the goals and objectives of this part.

(ii) Combinations or consortia

For a collaborative applicant that represents a combination or consortium of cities or counties, the estimated need amount shall be the sum of the estimated need amounts for the cities or counties represented by the collaborative applicant.

(iii) Authority of Secretary

Subject to the availability of appropriations, the Secretary shall increase the estimated need amount for a geographic area if necessary to provide 1 year of renewal funding for all expiring contracts entered into under this part for the geographic area.

~~(3) Homelessness counts~~

~~The Secretary shall not require that communities conduct an actual count of homeless people other than those described in paragraphs (1) through (4) of section 11302(a) of this title.~~

(3) HOMELESSNESS COUNTS.—The Secretary shall require that communities that conduct an annual count of homeless people shall count homeless individuals as defined under any provision of section 103.

(c) Adjustments

The Secretary may adjust the formula described in subsection (b)(2) as necessary—

- (1) to ensure that each collaborative applicant has sufficient funding to renew all qualified projects for at least one year; and
- (2) to ensure that collaborative applicants are not discouraged from replacing renewal projects with new projects that the collaborative applicant determines will better be able to meet the purposes of this chapter.

§11386b. Allocation of amounts and incentives for specific eligible activities

(a) Minimum allocation for permanent housing for homeless individuals and families with disabilities

(1) In general

From the amounts made available to carry out this part for a fiscal year, a portion equal to not less than 30 percent of the sums made available to carry out part B and this part, shall be used for permanent housing for homeless individuals with ~~disabilities and~~ disabilities, homeless families that include such an individual who is an adult or a minor head of household if no adult is present in the household, and homeless families where a child has a disability.

(2) Calculation

In calculating the portion of the amount described in paragraph (1) that is used for activities that are described in paragraph (1), the Secretary shall not count funds made available to renew contracts for existing projects under section 11386c of this title.

(3) Adjustment

The 30 percent figure in paragraph (1) shall be reduced proportionately based on need under section 11386a(b)(2) of this title in geographic areas for which subsection (e) applies in regard to subsection (d)(2)(A).

(4) Suspension

The requirement established in paragraph (1) shall be suspended for any year in which funding available for grants under this part after making the allocation established in paragraph (1) would not be sufficient to renew for 1 year all existing grants that would otherwise be fully funded under this part.

(5) Termination

The requirement established in paragraph (1) shall terminate upon a finding by the Secretary that since the beginning of 2001 at least 150,000 new units of permanent housing for homeless individuals and families with disabilities have been funded under this part.

(b) Set-aside for permanent housing for homeless families with children

From the amounts made available to carry out this part for a fiscal year, a portion equal to not less than 10 percent of the sums made available to carry out part B and this part for that fiscal year shall be used to provide or secure permanent housing for homeless families with children.

(c) Treatment of amounts for permanent or transitional housing

Nothing in this chapter may be construed to establish a limit on the amount of funding that an applicant may request under this part for acquisition, construction, or rehabilitation activities for the development of permanent housing or transitional housing.

(d) Incentives for proven strategies

(1) In general

The Secretary shall provide bonuses or other incentives to geographic areas for using funding under this part for activities that have been proven to be effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and promoting independent living goals as set forth in section 11386a(b)(1)(F) of this title.

~~**(2) Rule of construction**~~

~~For purposes of this subsection, activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation includes—~~

~~(A) permanent supportive housing for chronically homeless individuals and families;~~

~~(B) for homeless families, rapid rehousing services, short term flexible subsidies to overcome barriers to rehousing, support services concentrating on improving incomes to pay rent, coupled with performance measures emphasizing rapid and permanent rehousing and with leveraging funding from mainstream family service systems such as Temporary Assistance for Needy Families and Child Welfare services; and~~

~~(C) any other activity determined by the Secretary, based on research and after notice and comment to the public, to have been proven effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 11386a(b)(1)(F) of this title.~~

~~**(3) Balance of incentives for proven strategies**~~

To the extent practicable, in providing bonuses or incentives for proven strategies, the Secretary shall seek to maintain a balance among strategies targeting homeless individuals, families, and other subpopulations. The Secretary shall not implement bonuses or incentives that specifically discourage collaborative applicants from exercising their flexibility to serve families with children and youth defined as homeless under other Federal statutes.

(2) PROHIBITION.—The Secretary shall not provide bonuses or other incentives under paragraph (1) that have the effect of prioritizing or weighting, unless justified by local data or information contained in a plan submitted under section 427(b)(1)(B)—

(A) any service with respect to a specific subpopulation of homeless individuals over another; or

(B) any program component or housing or service model over another.

(3) RULE OF CONSTRUCTION.—For purposes of this subsection, activities that have been proven to be effective at reducing homelessness generally or reducing homelessness for a specific subpopulation include any activity determined by the Secretary, after providing notice and an opportunity for public comment, to have been proven effective at—

(A) reducing homelessness generally;

(B) reducing homelessness for a specific subpopulation;

(C) reducing homelessness in a community for populations overrepresented in any counts conducted in that community under section 427(b)(3); or

(D) achieving homeless prevention and promoting independent living goals as set forth in section 427(b)(1)(F).

(4) ENCOURAGING LOCAL SUCCESS AND INNOVATION.—In providing bonuses or incentives under paragraph (1), the Secretary shall seek to encourage the implementation of proven strategies and innovation in reducing homelessness among the local priority populations identified in the plan submitted by an applicant under section 427(b)(1)(B). The Secretary shall not implement bonuses or incentives that promote a national priority established by the Secretary.”

(e) Incentives for successful implementation of proven strategies

If any geographic area demonstrates that it has fully implemented any of the activities described in subsection (d) for all homeless individuals and families or for all members of subpopulations for whom such activities are targeted, that geographic area shall receive the bonus or incentive provided under subsection (d), but may use such bonus or incentive for any eligible activity under either section 11383 of this title or paragraphs (4) and (5) of section 11374(a) of this title for homeless people generally or for the relevant subpopulation.

* * *

§11388. Reports to Congress

The Secretary shall submit a report to the Congress annually, summarizing the activities carried out under this part and setting forth the findings, conclusions, and recommendations of the Secretary as a result of the activities. The report shall be submitted not later than 4 months

after the end of each fiscal year (except that, in the case of fiscal year 1993, the report shall be submitted not later than 6 months after the end of the fiscal year).

SEC. 434. REPORTS TO CONGRESS.

(a) In General.—The Secretary shall submit to Congress an annual report, which shall—

(1) summarize the activities carried out under this subtitle and set forth the findings, conclusions, and recommendations of the Secretary as a result of the activities; and

(2) include, for the year preceding the date on which the report is submitted—

(A) data required to be made publically available in the report under section 409;
and

(B) data on programs funded under any other Federal statute.

(b) Timing.—A report under subsection (a) shall be submitted not later than 4 months after the end of each fiscal year.