

111TH CONGRESS  
1ST SESSION

# S. 1523

To amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals and families, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 28, 2009

Mr. BURR (for himself and Mr. REED) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals and families, 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.**

4       This Act may be cited as the “Services for Ending  
5       Long-Term Homelessness Act”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

1           (1) Nationally, on any given night, there are  
2 approximately 124,000 people who are experiencing  
3 chronic homelessness, including some families with  
4 children. Chronically homeless people often live in  
5 shelters or on the streets for years at a time, experi-  
6 ence repeated episodes of homelessness without  
7 achieving housing stability, or cycle between home-  
8 lessness, jails, mental health facilities, and hospitals.

9           (2) In 2003, the President's New Freedom  
10 Commission on Mental Health recommended the de-  
11 velopment and implementation of a comprehensive  
12 plan designed to facilitate access to 150,000 units of  
13 permanent supportive housing for consumers and  
14 families who are chronically homeless. The Commis-  
15 sion found that affordable housing alone is insuffi-  
16 cient for many people with severe mental illness, and  
17 that flexible, mobile, individualized support services  
18 are also necessary to support and sustain consumers  
19 in their housing. Since the Commission made the  
20 recommendations, approximately 60,000 units of  
21 permanent supportive housing have been developed  
22 and currently another 30,000 are under develop-  
23 ment. However, funding for the services continues to  
24 be an ongoing problem even with respect to existing  
25 service providers.

1           (3) By implementing permanent supportive  
2 housing, communities are making progress toward  
3 ending chronic homelessness.

4           (4) Permanent supportive housing is a proven  
5 and cost-effective solution to chronic homelessness.  
6 A 2007 study, of progress in Portland, Oregon in  
7 ending chronic homelessness, found that the city and  
8 county saved \$15,000 per person involved per year  
9 by housing chronically homeless individuals. Also, a  
10 2009 study in Seattle illustrated that one program  
11 saved \$29,388 per person involved per year by im-  
12 plementing permanent supportive housing.

13           (5) Current programs for funding services in  
14 permanent supportive housing, other than those ad-  
15 ministered by the Department of Housing and  
16 Urban Development, were not designed to be closely  
17 coordinated with housing resources, nor were they  
18 designed to meet the multiple needs of people who  
19 are chronically homeless.

20 **SEC. 3. DUTIES OF ADMINISTRATOR OF SUBSTANCE ABUSE**  
21 **AND MENTAL HEALTH SERVICES ADMINIS-**  
22 **TRATION.**

23           Section 501(d) of the Public Health Service Act (42  
24 U.S.C. 290aa(d)) is amended—

1           (1) in paragraph (17), by striking “and” at the  
2 end;

3           (2) in paragraph (18), by striking the period  
4 and inserting “; and”; and

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

6           “(19) collaborate with Federal departments and  
7 programs that are part of the President’s Inter-  
8 agency Council on Homelessness, particularly the  
9 Department of Housing and Urban Development,  
10 the Department of Labor, and the Department of  
11 Veterans Affairs, and with other agencies within the  
12 Department of Health and Human Services, particu-  
13 larly the Health Resources and Services Administra-  
14 tion, the Administration on Children and Families,  
15 and the Centers for Medicare & Medicaid Services,  
16 to design national strategies for providing services in  
17 supportive housing that will assist in ending chronic  
18 homelessness and to implement programs that ad-  
19 dress chronic homelessness.”.

20 **SEC. 4. GRANTS FOR SERVICES FOR CHRONICALLY HOME-**  
21 **LESS INDIVIDUALS AND FAMILIES IN SUP-**  
22 **PORTIVE HOUSING.**

23           (a) IN GENERAL.—Title V of the Public Health Serv-  
24 ice Act (42 U.S.C. 290aa et seq.), as amended by sub-  
25 section (b), is amended by adding at the end the following:

1           **“PART K—GRANTS FOR SERVICES TO END**

2                           **CHRONIC HOMELESSNESS**

3   **“SEC. 597. GRANTS FOR SERVICES TO END CHRONIC HOME-**  
4                           **LESSNESS.**

5           “(a) IN GENERAL.—

6                   “(1) GRANTS.—The Secretary shall make  
7           grants to entities described in paragraph (2) for the  
8           purpose of carrying out projects to provide the serv-  
9           ices described in subsection (d) to chronically home-  
10          less individuals and families in permanent supportive  
11          housing.

12                   “(2) ELIGIBLE ENTITIES.—For purposes of  
13          paragraph (1), an entity described in this paragraph  
14          is—

15                   “(A) a State or political subdivision of a  
16          State, an Indian tribe or tribal organization, or  
17          a public or nonprofit private entity, including a  
18          community-based provider of homelessness serv-  
19          ices, health care, housing, or other services im-  
20          portant to individuals and families who are  
21          chronically homeless; or

22                   “(B) a consortium composed of entities de-  
23          scribed in subparagraph (A), which consortium  
24          includes a public or nonprofit private entity  
25          that serves as the lead applicant and has re-  
26          sponsibility for fiscal management, project man-

1           agement, and coordinating the activities of the  
2           consortium.

3           “(b) PRIORITIES.—In making grants under sub-  
4 section (a), the Secretary shall give priority to applicants  
5 demonstrating that the applicants—

6           “(1) target the services described in subsection  
7 (d) and related funds to individuals or families  
8 who—

9           “(A) have been homeless for longer periods  
10 of time or have experienced more episodes of  
11 homelessness than are required to be individ-  
12 uals or families who are chronically homeless;

13           “(B) have high rates of utilization of emer-  
14 gency public systems of care; or

15           “(C) have a history of interactions with  
16 law enforcement and the criminal justice sys-  
17 tem;

18           “(2) have greater funding commitments from  
19 State or local government agencies responsible for  
20 overseeing mental health treatment, substance use  
21 disorder treatment, medical care, and employment  
22 (including commitments to provide Federal funds in  
23 accordance with subsection (e)(2)(B)(ii));

24           “(3) will provide for an increase in the number  
25 of units of permanent supportive housing that would

1       serve chronically homeless individuals and families in  
2       the community as a result of an award of a grant  
3       under subsection (a); and

4               “(4) have demonstrated experience providing  
5       services to address the mental health and substance  
6       use disorder problems of chronically homeless indi-  
7       viduals and families living in permanent supportive  
8       housing settings.

9       “(c) GEOGRAPHIC DISTRIBUTION.—The Secretary  
10      shall ensure that consideration is given to geographic dis-  
11      tribution (such as urban and rural areas) in the awarding  
12      of grants under subsection (a).

13      “(d) SERVICES.—The services referred to in sub-  
14      section (a) are the following:

15               “(1) Services provided by the grantee or by  
16      qualified subcontractors that promote recovery and  
17      self-sufficiency and address barriers to housing sta-  
18      bility, including the following:

19                       “(A) Mental health services, including  
20                       treatment and recovery support services.

21                       “(B) Substance use disorder treatment and  
22                       recovery support services, including counseling,  
23                       treatment planning, recovery coaching, and re-  
24                       lapse prevention.

1           “(C) Integrated, coordinated treatment  
2 and recovery support services for co-occurring  
3 disorders.

4           “(D) Health education, including referrals  
5 for medical and dental care.

6           “(E) Services designed to help individuals  
7 and families make progress toward self-suffi-  
8 ciency and recovery, including benefits advo-  
9 cacy, money management, life-skills training,  
10 self-help programs, and engagement and moti-  
11 vational interventions.

12           “(F) Parental skills and family support.

13           “(G) Case management.

14           “(H) Other supportive services that pro-  
15 mote an end to chronic homelessness.

16           “(I) Coordination or partnership with  
17 other agencies, programs, or mainstream bene-  
18 fits to maximize the availability of services and  
19 resources to meet the needs of chronically  
20 homeless individuals and families living in sup-  
21 portive housing using cost-effective approaches  
22 that avoid duplication.

23           “(J) Data collection and measuring per-  
24 formance outcomes as specified in subsection  
25 (k).

1           “(2) Services, as described in paragraph (1),  
2           that are delivered to individuals and families who  
3           are chronically homeless and who are scheduled to  
4           become residents of permanent supportive housing  
5           within 90 days pending the location or development  
6           of an appropriate unit of housing.

7           “(3) For individuals and families who are oth-  
8           erwise eligible, and who have voluntarily chosen to  
9           seek other housing opportunities after a period of  
10          tenancy in supportive housing, services, as described  
11          in paragraph (1), that are delivered, for a period of  
12          90 days after exiting permanent supportive housing  
13          or until the individuals have transitioned to com-  
14          prehensive services adequate to meet their current  
15          needs, provided that the purpose of the services is to  
16          support the individuals in their choice to transition  
17          into housing that is responsive to their individual  
18          needs and preferences.

19          “(e) MATCHING FUNDS.—

20                 “(1) IN GENERAL.—A condition for the receipt  
21                 of a grant under subsection (a) is that, with respect  
22                 to the cost of the project to be carried out by an ap-  
23                 plicant pursuant to such subsection, the applicant  
24                 agrees as follows:

1           “(A) In the case of the initial grant pursu-  
2           ant to subsection (j)(1)(A), the applicant will,  
3           in accordance with paragraphs (2) and (3),  
4           make available contributions toward such costs  
5           in an amount that is not less than \$1 for each  
6           \$3 of Federal funds provided in the grant.

7           “(B) In the case of a renewal grant pursu-  
8           ant to subsection (j)(1)(B), the applicant will,  
9           in accordance with paragraphs (2) and (3),  
10          make available contributions toward such costs  
11          in an amount that is not less than \$1 for each  
12          \$1 of Federal funds provided in the grant.

13          “(2) SOURCE OF CONTRIBUTION.—For pur-  
14          poses of paragraph (1), contributions made by an  
15          applicant are in accordance with this paragraph if  
16          made as follows:

17                 “(A) The contribution is made from funds  
18                 of the applicant or from donations from public  
19                 or private entities.

20                 “(B) Of the contribution—

21                         “(i) not less than 80 percent is from  
22                         non-Federal funds; and

23                         “(ii) not more than 20 percent is from  
24                         Federal funds provided under programs  
25                         that—

1                   “(I) are not expressly directed at  
2                   services for homeless individuals, but  
3                   whose purposes are broad enough to  
4                   include the provision of a service or  
5                   services described in subsection (d) as  
6                   authorized expenditures under such  
7                   program; and

8                   “(II) do not prohibit Federal  
9                   funds under the program from being  
10                  used to provide a contribution that is  
11                  required as a condition for obtaining  
12                  Federal funds.

13                  “(3) DETERMINATION OF AMOUNT CONTRIB-  
14                  UTED.—Contributions required in paragraph (1)  
15                  may be in cash or in kind, fairly evaluated, including  
16                  plant, equipment, or services. Amounts provided by  
17                  the Federal Government, or services assisted or sub-  
18                  sidized to any significant extent by the Federal Gov-  
19                  ernment, may not be included in determining the  
20                  amount of non-Federal contributions required in  
21                  paragraph (2)(B)(i).

22                  “(f) ADMINISTRATIVE EXPENSES.—A condition for  
23                  the receipt of a grant under subsection (a) is that the ap-  
24                  plicant involved agree that not more than 10 percent of  
25                  the grant will be expended for administrative expenses

1 with respect to the grant. Expenses for data collection and  
2 measuring performance outcomes as specified in sub-  
3 section (k) shall not be considered as administrative ex-  
4 penses subject to the limitation in this subsection.

5 “(g) CERTAIN USES OF FUNDS.—Notwithstanding  
6 other provisions of this section, a grantee under subsection  
7 (a) may expend not more than 20 percent of the grant  
8 to provide the services described in subsection (d) to home-  
9 less individuals or families who are not chronically home-  
10 less individuals or families.

11 “(h) APPLICATION FOR GRANT.—A grant may be  
12 made under subsection (a) only if an application for the  
13 grant is submitted to the Secretary and the application  
14 is in such form, is made in such manner, and contains  
15 such agreements, assurances, and information as the Sec-  
16 retary determines to be necessary to carry out this section.

17 “(i) CERTAIN REQUIREMENTS.—A condition for the  
18 receipt of a grant under subsection (a) is that the appli-  
19 cant involved demonstrate the following:

20 “(1) The applicant and all direct providers of  
21 services have the experience, infrastructure, and ex-  
22 pertise needed to ensure the quality and effective-  
23 ness of services, which may be demonstrated by any  
24 of the following:

1           “(A) Compliance with all local, city, coun-  
2           ty, or State requirements for licensing, accredi-  
3           tation, or certification (if any) which are appli-  
4           cable to the proposed project.

5           “(B) A minimum of 2 years experience  
6           providing comparable services that do not re-  
7           quire licensing, accreditation, or certification.

8           “(C) Certification as a Medicaid service  
9           provider, including health care for the homeless  
10          programs and community health centers.

11          “(D) An executed agreement with a rel-  
12          evant State or local government agency that  
13          will provide oversight over the mental health,  
14          substance use disorder, or other services that  
15          will be delivered by the project.

16          “(2) There is a mechanism for determining  
17          whether residents of permanent supportive housing  
18          are chronically homeless individuals or families.  
19          Such a mechanism may rely on local data systems  
20          or records of shelter admission. If there are no  
21          sources of data regarding the duration or number of  
22          homeless episodes, or if such data are unreliable for  
23          the purposes of this subsection, an applicant must  
24          demonstrate that the project will implement appro-  
25          priate procedures, taking into consideration the ca-

1       capacity of local homeless service providers to docu-  
2       ment episodes of homelessness and the challenges of  
3       engaging individuals and families who have been  
4       chronically homeless, to verify that an individual or  
5       family is chronically homeless.

6               “(3) The applicant participates in a local, re-  
7       gional, or statewide homeless management informa-  
8       tion system.

9       “(j) DURATION OF INITIAL AND RENEWAL GRANTS;  
10      ADDITIONAL PROVISIONS REGARDING RENEWAL  
11      GRANTS.—

12               “(1) IN GENERAL.—Subject to paragraphs (2)  
13       and (3), the period during which payments are made  
14       to a grantee under subsection (a) shall be in accord-  
15       ance with the following:

16                       “(A) In the case of the initial grant, the  
17                       period of payments shall be 5 years.

18                       “(B) In the case of a subsequent grant (re-  
19                       ferred to in this subsection as a ‘renewal  
20                       grant’), the period of payments shall not be  
21                       more than 5 years.

22               “(2) ANNUAL APPROVAL; AVAILABILITY OF AP-  
23       PROPRIATIONS; NUMBER OF GRANTS.—The provision  
24       of payments under an initial or renewal grant is sub-  
25       ject to annual approval by the Secretary of the pay-

1       ments and to the availability of appropriations for  
2       the fiscal year involved to make the payments. This  
3       subsection may not be construed as establishing a  
4       limitation on the number of grants under subsection  
5       (a) that may be made to an entity.

6               “(3) ADDITIONAL PROVISIONS REGARDING RE-  
7       NEWAL GRANTS.—

8               “(A) COMPLIANCE WITH MINIMUM STAND-  
9       ARDS.—A renewal grant may be made by the  
10       Secretary only if the Secretary determines that  
11       the applicant involved has, in the project car-  
12       ried out with the grant, maintained compliance  
13       with minimum standards for quality and suc-  
14       cessful outcomes for housing retention, as de-  
15       termined by the Secretary.

16              “(B) AMOUNT.—The maximum amount of  
17       a renewal grant under this subsection for an  
18       applicant shall not exceed an amount equal to  
19       75 percent of the amount of Federal funds pro-  
20       vided to the applicant in the final year of the  
21       initial grant period.

22              “(k) STRATEGIC PERFORMANCE OUTCOMES AND RE-  
23       PORTS.—

24              “(1) IN GENERAL.—The Secretary shall, as a  
25       condition of the receipt of grants under subsection

1 (a), require grantees to provide data regarding the  
2 performance outcomes of the projects carried out  
3 under the grants. Consistent with the requirements  
4 and procedures established by the Secretary, each  
5 grantee shall measure and report specific perform-  
6 ance outcomes related to the long-term goals of in-  
7 creasing stability within the community for individ-  
8 uals and families who have been chronically home-  
9 less, and decreasing the recurrence of periods of  
10 homelessness.

11 “(2) PERFORMANCE OUTCOMES.—The perform-  
12 ance outcomes described under paragraph (1) shall  
13 include, with respect to individuals and families who  
14 have been chronically homeless—

15 “(A) improvements in housing stability;

16 “(B) improvements in employment and  
17 education;

18 “(C) reductions in problems related to sub-  
19 stance use disorders;

20 “(D) reductions in problems related to  
21 mental health disorders; and

22 “(E) other areas as the Secretary deter-  
23 mines appropriate.

24 “(3) COORDINATION AND CONSISTENCY WITH  
25 OTHER HOMELESS ASSISTANCE PROGRAMS.—

1           “(A) PROCEDURES.—In establishing stra-  
2           tegic performance outcomes and reporting re-  
3           quirements under paragraph (1), the Secretary  
4           shall develop and implement procedures that  
5           minimize the costs and burdens to grantees and  
6           program participants, and that are practical,  
7           streamlined, and designed for consistency with  
8           the requirements of the homeless assistance  
9           programs administered by the Secretary of  
10          Housing and Urban Development.

11          “(B) APPLICANT COORDINATION.—Appli-  
12          cants under this section shall coordinate with  
13          community stakeholders, including participants  
14          in the local homeless management information  
15          system, concerning the development of systems  
16          to measure performance outcomes and with the  
17          Secretary for assistance with data collection  
18          and measurements activities.

19          “(4) REPORT.—A grantee shall submit an an-  
20          nual report to the Secretary that—

21                 “(A) identifies the grantee’s progress to-  
22                 ward achieving its strategic performance out-  
23                 comes; and

24                 “(B) describes other activities conducted  
25                 by the grantee to increase the participation,

1           housing stability, and other improvements in  
2           outcomes for individuals and families who have  
3           been chronically homeless.

4           “(l) TRAINING AND TECHNICAL ASSISTANCE.—The  
5 Secretary, directly or through awards of grants or con-  
6 tracts to public or nonprofit private entities, shall provide  
7 training and technical assistance regarding the planning,  
8 development, and provision of services in projects under  
9 subsection (a).

10          “(m) BIENNIAL REPORTS TO CONGRESS.—Not later  
11 than 2 years after the date of the enactment of the Serv-  
12 ices for Ending Long-Term Homelessness Act, and bienni-  
13 ally thereafter, the Secretary shall submit to the appro-  
14 priate committees of Congress a report on projects under  
15 subsection (a) that—

16           “(1) includes a summary of information re-  
17 ceived by the Secretary under subsection (k);

18           “(2) describes how the services provided under  
19 each such project are coordinated with State and  
20 local social service programs and homelessness as-  
21 sistance programs, and services provided by the De-  
22 partment of Veterans Affairs and other relevant  
23 Federal agencies; and

24           “(3) includes an evaluation of the manner in  
25 which funds are used under such projects, and the

1 effectiveness of such projects in ending long-term  
2 homelessness and improving outcomes for individuals  
3 with mental illness or substance use disorder prob-  
4 lems.

5 “(n) DEFINITIONS.—For purposes of this section:

6 “(1) CHRONICALLY HOMELESS.—

7 “(A) IN GENERAL.—The term ‘chronically  
8 homeless’, used with respect to an individual or  
9 family, means an individual or family who—

10 “(i) is homeless;

11 “(ii) has been homeless continuously  
12 for at least 1 year or has been homeless on  
13 at least 4 separate occasions in the last 3  
14 years; and

15 “(iii) has an adult head of household  
16 (or a minor head of household if no adult  
17 is present in the household) with a  
18 diagnosable substance use disorder, a seri-  
19 ous mental illness, a developmental dis-  
20 ability (as defined in section 102 of the  
21 Developmental Disabilities Assistance and  
22 Bill of Rights Act of 2000 (42 U.S.C.  
23 15002)), post traumatic stress disorder, a  
24 cognitive impairment resulting from a  
25 brain injury, or a chronic physical illness

1 or disability or the co-occurrence of 2 or  
2 more chronic physical illnesses or disabil-  
3 ities.

4 “(B) RULE OF CONSTRUCTION.—An indi-  
5 vidual shall be considered to be chronically  
6 homeless if such individual—

7 “(i) resides in an institutional care fa-  
8 cility, including a jail, substance use dis-  
9 order or mental health treatment facility,  
10 hospital, or other similar facility;

11 “(ii) has resided in a facility described  
12 in clause (i) for fewer than 90 days; and

13 “(iii) met all of the requirements de-  
14 scribed in subparagraph (A) prior to enter-  
15 ing that facility.

16 “(2) HOMELESS.—The term ‘homeless’ means  
17 living or residing in a place not meant for human  
18 habitation, in a safe haven, or in an emergency  
19 homeless shelter.

20 “(3) PERMANENT SUPPORTIVE HOUSING.—

21 “(A) IN GENERAL.—The term ‘permanent  
22 supportive housing’ means permanent, afford-  
23 able housing with flexible support services that  
24 are available and designed to help the tenants  
25 stay housed and build the necessary skills to

1 live as independently as possible. Such term  
2 does not include housing that is time-limited.  
3 Supportive housing offers residents assistance  
4 in reaching their full potential, which may in-  
5 clude opportunities to secure other housing that  
6 meets their needs and preferences, based on in-  
7 dividual choice instead of the requirements of  
8 time-limited transitional programs. Under this  
9 section, permanent affordable housing includes  
10 permanent housing funded or assisted through  
11 title IV of the McKinney-Vento Homeless As-  
12 sistance Act (42 U.S.C. 11361 et seq.) and sec-  
13 tion 8 of the United States Housing Act of  
14 1937 (42 U.S.C. 1437f).

15 “(B) AFFORDABLE.—For purposes of sub-  
16 paragraph (A), the term ‘affordable’ means  
17 within the financial means of individuals who  
18 are extremely low income, as defined by the  
19 Secretary of Housing and Urban Development.

20 “(4) SUBSTANCE USE DISORDER SERVICES.—  
21 The term ‘substance use disorder’, used with respect  
22 to services, has the meaning given the term ‘sub-  
23 stance abuse services’ in section 330(h)(5)(C).

24 “(o) FUNDING.—

1           “(1) AUTHORIZATION OF APPROPRIATIONS.—  
2           For the purpose of carrying out this section, there  
3           are authorized to be appropriated such sums as may  
4           be necessary for each of the fiscal years 2010  
5           through 2014.

6           “(2) ALLOCATION FOR TRAINING AND TECH-  
7           NICAL ASSISTANCE.—Of the amount appropriated  
8           under paragraph (1) for a fiscal year, the Secretary  
9           may reserve not more than 3 percent for carrying  
10          out subsection (l).”.

11          (b) TECHNICAL AMENDMENTS TO PUBLIC HEALTH  
12          SERVICE ACT.—Title V of the Public Health Service Act  
13          (42 U.S.C. 290aa et seq.) is amended by—

14                 (1) redesignating part G, as added by section  
15                 144 of the Community Renewal Tax Relief Act of  
16                 2000, as part J; and

17                 (2) redesignating sections 581 through 584, as  
18                 added by section 144 of such Act, as sections 596  
19                 through 596C, respectively.

20          (c) CITATION AMENDMENT.—Effective on the effec-  
21          tive date described in section 1503 of the Homeless Emer-  
22          gency Assistance and Rapid Transition to Housing Act of  
23          2009 (42 U.S.C. 11302 note), section 597(n)(3)(A) of the  
24          Public Health Service Act, as added by subsection (a), is

1 amended by striking “(42 U.S.C. 11361 et seq.)” and in-  
2 serting “(42 U.S.C. 11360 et seq.)”.

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