§11301. Findings and purpose

(a) Findings

The Congress finds that—

(1) the Nation faces an immediate and unprecedented crisis due to the lack of shelter for a growing number of individuals and families, including elderly persons, handicapped persons, families with children, Native Americans, and veterans;

(2) the problem of homelessness has become more severe and, in the absence of more effective efforts, is expected to become dramatically...
cally worse, endangering the lives and safety of the homeless; 
(3) the causes of homelessness are many and complex, and homeless individuals have diverse needs; 
(4) there is no single, simple solution to the problem of homelessness because of the different subpopulations of the homeless, the different causes of and reasons for homelessness, and the different needs of homeless individuals; and 
(5) due to the record increase in homelessness, States, units of local government, and private voluntary organizations have been unable to meet the basic human needs of all the homeless and, in the absence of greater Federal assistance, will be unable to protect the lives and safety of all the homeless in need of assistance; and 

(b) Purpose

It is the purpose of this chapter—

(1) to establish the United States Interagency Council on Homelessness; 
(2) to use public resources and programs in a more coordinated manner to meet the critically urgent needs of the homeless of the Nation; and 
(3) to provide funds for programs to assist the homeless, with special emphasis on elderly persons, handicapped persons, families with children, Native Americans, and veterans.


REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 100–77, July 22, 1987, 101 Stat. 482, known as the McKinney-Vento Homeless Assistance Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

AMENDMENTS


SHORT TITLE OF 2009 AMENDMENT

Pub. L. 111–320, §1, Oct. 27, 2009, 107 Stat. 1144, provided that: “This Act (amending sections 11381 to 11384 of this title and enacting provisions set out as notes under section 1437f of this title) may be cited as the ‘Base Closure Community Redevelopment and Homeless Assistance Act of 1994’.”

SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106–550, title XIV, §1401, Dec. 21, 1999, 113 Stat. 5093, provided that: “This Act (amending sections 11361, 11362, 11363, 11364, 11365, 11366, and 9316 of this title, and amending a provision set out as a note under section 1437f of this title) may be cited as the ‘HUD Demonstration Act of 1993’.”

SHORT TITLE OF 1992 AMENDMENT

Pub. L. 102–550, title XIV, §1401, Oct. 28, 1992, 106 Stat. 4012, provided that: “This title [amending sections 11361 to 11366 of this title, redesignating part G of subchapter IV of this chapter, transferring sections 11361 to 11364 of this title to subchapter I of this chapter, redesignating provisions set out as notes under sections 11361, 11362, 11363, 11364, 11365, and 9316 of this title, transferring sections 11401 to 11404 of this title, and amending provisions set out as a note under this section] may be cited as the ‘Stewart B. McKinney Homeless Housing Assistance Amendments Act of 1992’.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–645, title VI, §601, Nov. 29, 1990, 104 Stat. 4673, provided that: “This Act (amending sections 918 to 5118, 11332, 11333, 11334, 11335, 11336, 11337, 11338, 11339, 11340, 11341, 11342, 11343, 11344, 11345, 11346, and 11347 of this title and section 1763a of Title 29, Labor, amending sections 296b, 296c–2, 296c–3 to 296c–36, 296c–4 to 296c–41, 296c–20, 296cc–1, 503, 504, 602, 1437d, 1437f, 1437g, 1437h, 1480, 1484 to 1486, 1490, 3002, 3015, 3021, 3025 to 3027, 3031, 3035a, 3036e, 4013, 4121, 4222, 5302, 5304, 5306, 5318, 8103, 11301, 11302, 11303, 11304, 11305, 11306, 11307, 11308, 11309, 11310, 11311, 11312, 11313, 11314, 11315, 11316, 11317, 11318, 11319, 11320, 11321, 11322, 11323, 11324, 11325, 11326, 11327, 11328, 11329, 11330, 11331, 11332, 11333, 11334, 11335, 11336, 11337, 11338, 11339, 11340, 11341, 11342, 11343, 11344, 11345, 11346, 11347, 11348, 11349, 11350, 11351, 11352, 11353, 11354, 11355, 11356, 11357, 11358, 11359, 11360, 11361, 11362, 11363, 11364, 11365, 11366, 11367, 11368, 11369, 11370, 11371, 11372, 11373, 11374, 11375, and 11376 of this title, and enacting provisions set out as notes under sections 11361, 11362, 11363, 11364, and 11365 of this title) may be cited as the ‘Stewart B. McKinney Homeless Housing Assistance Amendments Act of 1990’.”

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100–628, title VI, §601, Nov. 7, 1988, 102 Stat. 3224, provided that: “This Act (amending sections 2544, 11320, and 11402 of this title and sections 1583, 1791 to 1791j of Title 10, Title 11, redesignating provisions set out as notes under this section as notes under sections 11361, 11362, 11363, 11364, 11365, 11366, and 11367 of this title, and enacting provisions set out as notes under sections 11401 to 11405 of this title) may be cited as the ‘Homeless on the job Emergency Assistance and Rapid Transition to Housing Act of 1988’.”

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100–120, §1, Oct. 7, 1987, 101 Stat. 482, known as the McKinney-Vento Homeless Assistance Act, which is classified principally to this chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 100–77, July 22, 1987, 101 Stat. 482, known as the McKinney-Vento Homeless Assistance Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.
this title, sections 1454, 1701X, 1701s–11, 1709, 1710, 1715s–1a, 1715s–12, 1715s–20, 1717, 2605, and 2806 of Title 12, Banks and Banking, sections 1701 and 1719 of Title 15, Commerce and Trade, and sections 49, 49a, 49d, to 49j, 49i, 49j–1, 1502, 1504, 1505, 1514, 1516, 1531, and 1602 of Title 29, enacting provisions set out as notes under this section and sections 256, 1437d, 1437f, 1472, 11303, 13751, 11381, 11383, 11384, 11392, 11401, and 11501 of this title, sections 1710 and 1715s–1a of Title 12, section 2601 of Title 15, and section 1501 of Title 29, and amending provisions set out as notes under sections 298aa–3, 1472, 1490m, and 4822 of this title, sections 1502–6, 1709, 1715s–1, and 2802 of Title 12, and section 49 of Title 29) may be cited as the 'Stewart B. McKinney Homeless Assistance Amendments Act of 1988.'

**SHORT TITLE**


**REGULATIONS** Pub. L. 111–22, div. B, title V, §1504, May 20, 2009, 123 Stat. 1702, provided that: "(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this division [May 20, 2009], the Secretary of Housing and Urban Development shall promulgate regulations governing the operation of the programs that are created or modified by this division [see Short Title of 2009 Amendment note above].

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this division." Pub. L. 100–600, title IV, § 485, Nov. 7, 1988, 102 Stat. 1664, provided that: "(1) lack of affordable housing and limited scale of housing assistance programs are the primary causes of homelessness; and

(2) homelessness affects all types of communities in the United States, including rural, urban, and suburban areas.

(b) Purposes.—The purposes of this division [see Short Title of 2009 Amendment note above] are—

(1) to consolidate the separate homeless assistance programs carried out under title IV of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11360 et seq.] consisting of the supportive housing program and related innovative programs, the safe havens program, the section 8 (42 U.S.C. 1437f) assistance program for single-room occupancy occupancy dwellings, and the shelter plus care program) into a single program with specific eligible activities;

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

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


**INNOVATIVE HOMELESS INITIATIVES DEMONSTRATION PROGRAM** Pub. L. 103–120, § 2, Oct. 27, 1993, 107 Stat. 1144, as amended by Pub. L. 104–330, title V, §506(b), Oct. 26, 1996, 110 Stat. 4045, directed Secretary of Housing and Urban Development, through cooperative efforts in partnership with other levels of government and the private sector, including nonprofit organizations, foundations, and communities, to demonstrate methods of undertaking comprehensive strategies for assisting homeless individuals and families (including homeless individuals who have AIDS or who are infected with HIV), through a variety of activities, including the coordination of efforts and the filling of gaps in available services and resources, directed Secretary to provide comprehensive homeless demonstration grants and innovative project funding, and provided for submission of reports and authorization of appropriations, prior to repeal by Pub. L. 105–199, §2(g), Oct. 27, 1993, 107 Stat. 1148.

**STRATEGY TO ELIMINATE UNSUIT TRANSIENT FACILITIES** Pub. L. 101–625, title VIII, §825, Nov. 28, 1990, 104 Stat. 4356, as amended by Pub. L. 102–550, title XIV, §1412, Oct. 28, 1992, 106 Stat. 4039, directed Secretary of Housing and Urban Development, not more than 9 months after Oct. 28, 1992, to identify the States and units of general local government using unfit transient facilities as housing for homeless families with children and develop and publish in the Federal Register a strategy to eliminate such use by July 1, 1994, and in developing such strategy, to consult with the Secretary of the Department of Health and Human Services, the Administrator of the Federal Emergency Management Agency, other appropriate Federal officials, appropriate States and units of general local government, major organizations representing homeless persons and other experts.

**REPORT ON EFFECT OF RENT CONTROL ON HOMELESSNESS** Pub. L. 100–600, title IV, §483, Nov. 7, 1988, 102 Stat. 3238, directed Secretary of Housing and Urban Development, within 12 months after Nov. 7, 1988, to submit to Congress a report evaluating the impact of local housing rent controls and regulations on rate of homelessness, and on the development, supply, availability, and affordability of housing, in major cities in the United States, with report to include additional specified information.
§ 11302. General definition of homeless individual

(a) In general

For purposes of this chapter, the terms “homeless”, “homeless individual”, and “homeless person” means:

(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 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 days;

(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) credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 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) 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 Investment Act of 1998 [29 U.S.C. 2801 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.

References in Text


\[1\] So in original. Probably should be “mean—”.\]