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SUBCHAPTER I—GENERAL PROVISIONS

§ 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 dramati-
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;
(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
(6) the Federal Government has a clear responsibility and an existing capacity to fulfill a more effective and responsible role to meet the basic human needs and to engender respect for the human dignity of the homeless.

(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 Table.

AMENDMENTS

SHORT TITLE OF 2009 AMENDMENT
Pub. L. 111–22, div. B, § 1001(a), May 20, 2009, 123 Stat. 1663, provided that: “This Act [enacting sections 11318, 11319, 11346, 11352, 11374, 11375, 11377, 11401, 11403a, 11406c to 11406e of this title, redesignating part G of chapter IV of this chapter as part D of subchapter IV of this chapter, amending sections 11302, 11311 to 11313, 11315, 11361, 11362, 11363, 11365 to 11367, 11368, 11374, and 11389 of this title, repealing sections 11318, 11372, 11374, 11377, 11381, 11384, and 11389 of this title and part D of subchapter IV of this chapter, and enacting provisions set out as notes under this section and sections 11332, 11333, 11352, 11411, 11421, 11431, 11435, 11443, 11449, 11450, 11456, and 11464 of this title, enacting provisions set out as notes under sections 11318, 11320, and 11401 of this title and enacting and amending provisions set out as notes under section 11431 of this title] may be cited as the ‘Stewart B. McKinney Homeless Housing Assistance Amendments Act of 1992’.”

SHORT TITLE OF 1992 AMENDMENT
Pub. L. 105–65, title VI, § 601, Nov. 29, 1999, 104 Stat. 4734, provided that: “This Act [enacting sections 5118 to 5118e, 11320, 11344a, 11450, 11456, and 11464 of this title and section 1763a of Title 29, Labor, amending sections 254e, 256, 290bb–2, 290cc–2 to 290cc–35, 11392, 11394, 11399, 11391 to 11406, 11392, 11394, 11404, 11405 to 11406c, and 11406d of this title, enacting provisions set out as notes under section 11361 and under sections 11361, 11381, and 11411 of this title, amending provisions set out as a note under this section, and repealing provisions set out as notes under sections 11361, 11381, and 11389 of this title] 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. 4724, provided that: “This Act [enacting sections 3544, 11320, and 11402 of this title and section 1763a of Title 29, Labor, amending sections 11320, 11321, 11341 to 11343, 11431, 11449, 11450, 11456, and 11464 of this title, enacting provisions set out as notes under sections 11318, 11320, and 11401 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 II, § 201, Nov. 7, 1988, 102 Stat. 3224, provided that: “This Act [enacting sections 3544, 11320, and 11402 of this title and sections 1581 to 1584, 11320, and 11402 of this title may be cited as the ‘Stewart B. McKinney Homeless Assistance Amendments Act of 1988’.”
this title, sections 1454, 1701x, 1701s–11, 1709, 1710, 1715s–1a, 1715s–12, 1715s–20, 1717, 2806, and 2806 of Title 12, Banks and Banking, sections 1701 and 1719 of Title 13, Commerce and Trade, and sections 49, 49a, 49f, 49d to 49j, 49k, 49l–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, 1447, 1533, 1571, 1591, 11001, and 11001 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 2969a–3, 1472, 1690s, and 4822 of this title, sections 1702–6, 1709, 1715q, 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


[Pub. L. 107–116, title VI, §634(b), Jan. 10, 2002, 115 Stat. 2228, provided that: ‘‘The amendment made by subsection (a) of this section [which directed the amendment of section 101(a) of Pub. L. 100–77 set out above] is deemed to have taken effect immediately after the enactment of Public Law 106–400 [which was approved Oct. 30, 2000] (114 Stat. 1675).’’]

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. 100–640, title IV, §485, Nov. 7, 1988, 102 Stat. 3238, provided that: ‘‘Not later than 60 days after the date of the enactment of this Act [Nov. 7, 1988], the Secretary of Housing and Urban Development or other Federal entity involved shall by notice establish such requirements as may be necessary to carry out the amendments made by titles I through IV [see Tables for classification] and by section 501(2)(B) [amending section 11411 of this title]. The Secretary or other Federal entity involved shall issue regulations based on the notice not later than 12 months after the date of the enactment of this Act.’’

FINDINGS AND PURPOSES

‘‘(1) FINDINGS.—The Congress finds that—

‘‘(A) 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.’’

REFERENCES TO STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT

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. 105–120, §2(g), Oct. 27, 1993, 107 Stat. 1148.

STRATEGY TO ELIMINATE UNFIT TRANSIENT FACILITIES
Pub. L. 101–625, title VIII, §825, Nov. 28, 1990, 104 Stat. 4556, 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. 100–628, title IV, §483, Nov. 7, 1988, 102 Stat. 3238, directed Secretary of Housing and Urban Developement, 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" mean—

(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) have experienced a long term period of homelessness, respectively.

(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

This chapter, referred to in subsecs. (a), (c)(1), (d), and (e), was in the original "this Act", meaning Pub. L.