§ 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 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 Tables.

AMENDMENTS

SHORT TITLE OF 2009 AMENDMENT
Pub. L. 111–22, div. B, § 1001(a), May 20, 2009, 123 Stat. 1663, provided that: ‘‘This division (enacting sections 11318, 11360, 11360a, 11361a, 11361b, 11363, 11364, 11372, 11372a, 11374, 11378 to 11384, and 11386a to 11386c of this title, redesignating part G of subchapter IV of this chapter as part D of subchapter IV of this chapter, amending sections 11302, 11311 to 11313, 11315, 11315a, 11316, 11317, 11317a to 11317e, 11318, 11318a to 11318c, 11318d to 11318f, 11319 to 11319c of this title and parts D to F of subchapter IV of this chapter, and enacting provisions set out as notes under this section and sections 11302 and 11311 of this title) may be cited as the ‘‘Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009’’.’’

SHORT TITLE OF 2002 AMENDMENT

SHORT TITLE OF 1994 AMENDMENT
Pub. L. 103–421, § 1, Oct. 25, 1994, 108 Stat. 4346, provided that: ‘‘This Act [amending section 11411 of this
title and enacting and amending provisions set out as notes under section 2687 of Title 10, Armed Forces] may be cited as the 'Base Closure Community Redevelopment and Homeless Assistance Act of 1994'.

Short Title of 1993 Amendment

Pub. L. 102–120, §11301, Oct. 27, 1993, 107 Stat. 1144, provided that: "This title [amending sections 1490a and 12724 of this title and sections 1701z–11, 1721, and 1735–9 of Title 12, Banks and Banking, enacting provisions set out as notes under this section and sections 1437f, 1490m, and 4822 of this title, sections 1701z–6, 1709, 1715f, and 2902 of Title 12, and section 49 of Title 29] may be cited as the 'Stewart B. McKinney Homeless Assistance Amendments Act of 1993'."

Short Title of 1992 Amendment

Pub. L. 105–550, title XIV, §1401, Oct. 29, 1992, 106 Stat. 4012, provided that: "This title [enacting sections 11381 to 11389, 11391 to 11399, 11400–4, 11404, 11405 to 11405b, 11406 to 11406b, 11406b to 11406b, 11406b to 11406b, and 11406b of this title, transferring sections 11404c to 11404e of this title to sections 11403e–1 to 11403e–3 of this title, respectively, amending sections 11318, 11319, 11339, 11332, 11374, 11375, 11377, 11401, 11403a, 11403c to 11403e, 11403g, 11403h, 11412, and 11406b of this title, repealing sections 11381 to 11383, 11391 to 11394, 11404, 11405 to 11405c, and 11406 to 11406c of this title, enacting provisions set out as notes pursuant to section 11361 and under sections 11361, 11363, 11365, 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, 11391, and 11399 of this title] may be cited as the 'Stewart B. McKinney Homeless Assistance Amendments Act of 1992'."

Short Title of 1990 Amendment

Pub. L. 101–645, §1(a), Nov. 29, 1990, 104 Stat. 4673, provided that: "This Act [enacting sections 5118 to 5118e, 11434a, 11465, 11466, and 11468 to 11469 of this title and sections 1703a of Title 29, Labor, amending sections 256, 2906b–2, 2906c–21 to 2906c–35, 11302, 11312, 11318, 11319, 11332, 11333, 11411, 11412, 11431, 11435, 11449, 11500, 11463, and 11464 of this title, enacting provisions set out as notes under this section, sections 1151, 11332, 11411, and 11463 of this title, and section 111 of Title 13, Census, and amending provisions set out as a note under section 2969a–3 of this title] may be cited as the 'Stewart B. McKinney Homeless Assistance Amendments Act of 1990'."

Short Title of 1988 Amendment

Pub. L. 100–628, §1(a), Nov. 7, 1988, 102 Stat. 3224, provided that: "This Act [enacting sections 3544, 11320, and 11402 of this title and sections 1583, 1791 to 1791j of Title 29, Labor, amending sections 254e, 2664, 290bb–2, 290cc–21 to 290cc–35, 290cc–36, 290dd, 290ee–2, 290cc–21 to 290cc–36 of this title, transferring sections 11404c to 11404e of this title to sections 11403e–1 to 11403e–3 of this title, respectively, amending sections 11318, 11319, 11339, 11340, 11374, 11375, 11377, 11401, 11403a, 11403c to 11403e, 11403g, 11403h, 11412, and 11406b of this title, repealing sections 11381 to 11383, 11391 to 11394, 11404, 11405 to 11405c, and 11406 to 11406c of this title, enacting provisions set out as notes pursuant to section 11361 and under sections 11361, 11363, 11365, 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, 11391, and 11399 of this title] may be cited as the 'Stewart B. McKinney Homeless Assistance Amendments Act of 1988'."

Short Title


[Pub. L. 107–110, title X, §1034(b), Jan. 8, 2002, 115 Stat. 2007, provided that: "This Act (amending this chapter and sections 256 and 290cc–21 to 290cc–36 of this title, enacting provisions set out as notes pursuant to section 11361 and under sections 11361, 11363, 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, 11391, and 11399 of this title] may be cited as the 'Stewart B. McKinney Homeless Assistance Amendments Act of 1988'."

Regulations


(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. 110–628, title IV, §485, Nov. 7, 1988, 102 Stat. 3239, 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


(a) FINDINGS.—The Congress finds that—

(1) 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
affordability of housing, in major cities in the United
States, with report to include additional specified in-

Section 603 of Pub. L. 100–77 directed Secretary of
Health and Human Services, not later than 18 months
after July 22, 1987, to complete a study with respect to
determining extent to which mental health deinstitu-
tionalization policies of States are contributing to
problem of homelessness, and submit to Congress the
findings made as a result of such study, including any
recommendations with respect to administrative and
legislative initiatives that could reduce the number of
chronically mentally ill individuals who are homeless.

§11302. General definition of homeless individ-
al

(a) In general

For purposes of this chapter, the terms “homeless”, “homeless individual”, and “home-
less 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 build-
ing, bus or train station, airport, or camping
ground;

(3) an individual or family living in a super-
vised publicly or privately operated shelter
designated to provide temporary living ar-
rangements (including hotels and motels paid
for by Federal, State, or local government pro-
grams for low-income individuals or by chari-
table 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, in-
cluding housing they own, rent, or live in
without paying rent, are sharing with oth-
ers, and rooms in hotels or motels not paid
for by Federal, State, or local government
programs for low-income individuals or by chari-
table organizations, as evidenced by—

(i) a court order resulting from an evic-
tion action that notifies the individual or
family that they must leave within 14
days;

(ii) the individual or family having a pri-
mary 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 evi-
dence for purposes of this clause;

(B) has no subsequent residence identified;
and

(C) lacks the resources or support net-
works needed to obtain other permanent
housing; and

(6) unaccompanied youth and homeless fami-
lies with children and youth defined as home-
less under other Federal statutes who—

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

So in original. Probably should be “mean—“.