

Summary and Analysis
HUD McKinney-Vento Homeless Assistance Reauthorization Legislation
Prepared by the National Coalition for the Homeless
May 2009

Issue	Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (H.R. 1877 and S. 808), as enacted on May 20, 2009	NCH Recommendation
1. Findings	<ul style="list-style-type: none"> • A lack of affordable housing and limited scale of housing assistance programs are the primary causes of homelessness. • Homelessness affects all types of communities in the United States, including rural, urban, and suburban areas. 	<ul style="list-style-type: none"> • NCH supports.
2. Purpose	<ul style="list-style-type: none"> • Consolidate HUD homeless assistance programs into a single program with specific eligible activities. • Codify in law the continuum of care planning process as a required and integral local function. • Establish a Federal goal of ensuring that individuals and families who become homeless return to permanent housing within 30 days. 	<ul style="list-style-type: none"> • NCH supports.
3. Definition of Homelessness	<ul style="list-style-type: none"> • Individual or family who lacks a fixed, regular, and adequate nighttime residence; • 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; • 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 government programs or by charitable organizations, congregate shelters, and transitional housing); • 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; • Individual or family who— <ul style="list-style-type: none"> ○ Will imminently lose their housing, including 	<ul style="list-style-type: none"> • Add to the proposed revised definition of homelessness persons living in shared housing or in motels and hotels due to loss of housing or economic hardship, regardless of their length of stay in such living arrangements. These persons are considered to be homeless by other federal laws and so should they be under the HUD title.

	<p>housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by government programs or charitable organizations, as evidenced by—</p> <ul style="list-style-type: none">▪ A court order resulting from an eviction action that notifies the individual or family that they must leave within 15 days;▪ 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▪ 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; <ul style="list-style-type: none">○ Has no subsequent residence identified; and○ Lacks the resources or support networks needed to obtain other permanent housing. <ul style="list-style-type: none">• Unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—<ul style="list-style-type: none">○ Have experienced a long-term period without living independently in permanent housing;○ Have experienced persistent instability as measured by frequent moves over such period; and○ 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.• 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,	
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	<p>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.</p> <ul style="list-style-type: none"> • Requires HUD Secretary to issue regulations providing sufficient guidance to recipients of funds to allow uniform and consistent implementation of the definition requirements. 	
<p>4. Interagency Council on Homelessness</p>	<ul style="list-style-type: none"> • Establishes mission of ICH to coordinate the Federal response to homelessness and to create a national partnership at every level of government and with the private sector to reduce and end homelessness in the nation while maximizing the effectiveness of the Federal government in contributing to the end of homelessness. • Adds the Social Security Commissioner, the Attorney General, the OMB Director, the Director of the Office of Faith-Based and Community Initiatives, and the Director of USA FreedomCorps to the ICH. • Requires ICH to meet four times each year. • Requires rotation of Chairperson and Vice Chairperson at first meeting of each year. • Assigns administration of the ICH to the Chairman. • Adds as duties of ICH: <ul style="list-style-type: none"> ○ Develop a National Strategic Plan to End Homelessness, updated annually and available for public comment; ○ Encourage the creation of State Interagency Councils on Homelessness and the formulation of 10-year plans to end homelessness at state, city, and county levels; ○ Annually obtain from federal agencies their identification of consumer-oriented entitlement and other resources for which homeless persons may be eligible and the agencies' identification of improvements to ensure access; develop mechanisms to ensure access by homeless persons to all government programs for which they are eligible, and to verify collaboration among community entities that receive federal 	<ul style="list-style-type: none"> • Have the ICH Director report to the Assistant to the President for Domestic Policy, rather than the Chairperson of the ICH, a position that rotates annually among four Cabinet Secretaries. Rotating supervision by the ICH Chairperson creates a barrier to the ICH's independence and sense of continuity, as the Director would have to adjust annually to the prerogatives of the Secretary chairing the council in any given year. • Designate the ICH Director position as subject to Senate confirmation. This would allow for public and Congressional input into the selection of the ICH Director, and thereby the agenda that such Director would pursue. • Assure that the ICH values and fully includes non-governmental organizations, including service providers and advocacy organizations, in the Strategic Plan development and implementation process.

	<p>funding under targeted and mainstream programs;</p> <ul style="list-style-type: none"> ○ Conduct research and evaluation related to functions of the ICH; ○ Develop joint federal agency and other initiatives to fulfill the goals of the ICH; ○ Develop constructive alternatives to criminalizing homelessness and eliminate laws and policies that prohibit sleeping, feeding, sitting, resting, or lying in public spaces when there are no suitable alternatives, result in the destruction of a homeless person's property without due process or are selectively enforced against homeless persons; and ○ Within 6 months after completion of an already-requested Government Accountability Office study regarding the definition of homelessness, convene a meeting of federal agencies, congressional committees, local and state governments, academic researchers, service providers, and homeless persons receiving services to discuss whether the definition of homelessness in this Act should be modified, including whether there is a compelling need for a uniform federal definition of homelessness. <ul style="list-style-type: none"> ● Authorizes \$3 million to be appropriated for ICH annually. 	
<p>5. Definitions</p>	<ul style="list-style-type: none"> ● Adds definitions for the following 33 terms: At Risk of Homelessness, Chronically Homeless, Collaborative Applicant, Collaborative Application, Consolidated Plan, Eligible Entity, Families with Children and Youth Defined as Homeless under Other Federal Statutes, Geographic Area, Homeless Individual with a Disability, Legal Entity, Metropolitan City/Urban County/ Nonentitlement Area, New, Operating Costs, Outpatient Health Services, Permanent Housing, Personally Identifying Information, Private Nonprofit Organization, Project, Project-based, Project Sponsor, Recipient, Secretary, Serious Mental Illness, Solo Applicant, Sponsor-based, State, Supportive Services, Tenant-based, 	<ul style="list-style-type: none"> ● Strike the proposed definition of "Chronically Homeless" in its entirety. ● Strike living arrangements from the proposed definition of "At Risk of Homelessness" that are understood to be homeless under other federal definitions. ● Transfer to this bill's proposed revised definition of homelessness those living arrangements that NCH proposes being stricken from the definition of "At Risk of

	Transitional Housing, Unified Funding Agency, Underserved Populations, Victim Service Provider, Victim Services.	Homelessness”
<p>6. Collaborative Applicants</p>	<ul style="list-style-type: none"> • Requires the establishment of a collaborative applicant for each geographic area applying for HUD McKinney-Vento funds. • Permits the Secretary to designate another entity as a collaborative applicant or permit eligible entities to apply directly for grants if the locally-established collaborative applicant does not meet requirements of the law. • Includes as duties of a collaborative applicant: <ul style="list-style-type: none"> ○ Design a collaborative process for developing an application and for evaluating outcomes of funded projects; ○ Participate in the Consolidated Plan for the geographic area; ○ Ensure operation of, and consistent participation by, project sponsors in a community-wide Homeless Management Information System (HMIS) that: <ul style="list-style-type: none"> ▪ Collects unduplicated counts of homeless individuals and families; ▪ Analyzes patterns of use of assistance in the geographic area; ▪ Provides information to project sponsors and applicants for needs analysis and funding priorities; and ▪ Is developed in accordance with standards including: <ul style="list-style-type: none"> • Encryption of data; • Accurate documentation of data; • Access to data by staff, contractors, law enforcement, and academic researchers; • Rights of persons receiving services; • Criminal and civil penalties for unlawful disclosure of data; and • Such other standards as determined by the Secretary. • Requires collaborative applicants to receive and distribute funds for projects within the applicable geographic area, if said applicant applies and is selected by the Secretary as a unified funding agency (see 7. Unified Funding Agencies). 	<ul style="list-style-type: none"> • Require collaborative applicants to establish a Community Homeless Assistance Planning Board consisting of a diverse group of stakeholders and with responsibilities for leading a collaborative planning process to design, execute, and evaluate programs, policies, and practices to prevent and end homelessness. H.R. 7221 contains only a weak provision that stakeholders be “consulted” when the applicant develops its application. Without the structural mechanism in place to ensure that homeless people and service providers hold key decision-making roles, the views of these key partners in a collaborative response to homelessness could diminish, and those of units of local government could surge. • Restore collaborative applicant duties present in H.R. 840 as introduced, including those related to discharge planning from institutions, access to mainstream benefits and services, monitoring of zoning and land use policy and practices, and coordination with VA CHALENG assessments of the needs of homeless

	<ul style="list-style-type: none"> • Specifies that no board member of a collaborative applicant may participate in the decision of the collaborative applicant concerning funding to such member or the organization that such member represents. 	<p>veterans.</p> <ul style="list-style-type: none"> • Strike the purpose of HMIS to collected unduplicated counts of homeless individuals and families in the geographic area. • Support the requirement that the Secretary establish standards for HMIS. • Elaborate in statute more fully the direction such HMIS standards should take.
<p>7. Unified Funding Agencies</p>	<ul style="list-style-type: none"> • Permits collaborative applicants to apply to serve as a unified funding agency. • Permits the Secretary to designate a collaborative applicant as the unified funding agency in the geographic area if the applicant demonstrates, through an application, that they are able to perform the necessary duties. • Required actions of a unified funding agency include: <ul style="list-style-type: none"> ○ Require each funded project sponsor to establish fiscal control and fund accounting procedures necessary to assure proper disbursement of, and accounting for, federal funds; and ○ Arrange for an annual survey, audit, or evaluation of the financial records of each funded project. 	<ul style="list-style-type: none"> • Strike this section. The unified funding agency approach to program management adds an additional layer of administration into the HUD McKinney-Vento program, further diluting dollars available for housing and services. Furthermore, the establishment of unified funding agencies is a potential first step toward block granting of HUD McKinney-Vento funds, an arrangement that NCH has consistently opposed.
<p>8. Preventing Involuntary Family Separation</p>	<ul style="list-style-type: none"> • After 2 years upon enactment, prohibits funded project sponsors providing services to families with children under age 18 from denying admission to any family based on the age of the child. • Exception to the above: Project sponsors of transitional housing may target resources to families with children of a specific age only if the project sponsor: <ul style="list-style-type: none"> ○ Operates a transitional housing program that has a primary purpose of implementing an evidenced-based practice that requires that housing units be targeted to families with children in a specific age group; and ○ Provides assurances that an equivalent appropriate alternative living arrangement for 	<ul style="list-style-type: none"> • NCH supports. • Strike the exception for transitional housing programs.

	the whole family or household unit has been secured.	
9. Technical Assistance	<ul style="list-style-type: none"> Requires the Secretary to make technical assistance available to potential project sponsors to assist them in implementing effective planning processes, preparing collaborative applications, and adopting and providing best practices in housing and services for persons experiencing homelessness. Reserves up to 1 percent of HUD McKinney-Vento funds for technical assistance. 	<ul style="list-style-type: none"> Add current project sponsors as eligible recipients of technical assistance.
10. Protection of Personally Identifying Information by Victim Service Providers	<ul style="list-style-type: none"> Requires Secretary to instruct any victim service provider not to disclose personally identifying information about any client for the purposes of HMIS. Permits Secretary to, after public notice and comment, require or ask such recipients to disclose non-personally identifying information for HMIS that has been de-identified, encrypted, or otherwise encoded. Clarifies that nothing in this law shall supersede any prior law granting greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. 	<ul style="list-style-type: none"> NCH supports. Extend protections of personally-identifying information to all homeless people, not just victims of sexual violence.
11. Authorization of Appropriations	<ul style="list-style-type: none"> Authorizes \$2.2 billion for FY 2009 and such sums as may be necessary for FY 2010. 	<ul style="list-style-type: none"> Increase authorization level to \$3.0 billion annually.
12. Emergency Shelter Grants (ESG) Program	<ul style="list-style-type: none"> Renames program Emergency Solutions Grants Program. Requires 20 percent of HUD McKinney-Vento appropriation to be spent on ESG. Requires entities that receive ESG grants and serve one or more geographic areas served by a collaborative applicant to allocate ESG funds in consultation with such collaborative applicant. Establishes as eligible activities: <ul style="list-style-type: none"> Renovation, major rehabilitation, or conversion of buildings to be used as emergency shelters; Provision of essential services related to emergency shelter or street outreach, including services concerned with employment, health, education, family support services for homeless youth, substance abuse services, victim services, or mental health services, if— 	<ul style="list-style-type: none"> Strike limitation that only 60 percent of funds may be used on emergency shelter and street outreach.

	<ul style="list-style-type: none"> ▪ Such services have not been provided by the local government during the previous year, or if the local government is in severe financial deficit; or ▪ The use of federal assistance would complement the provision of those services. ○ Maintenance, operation, insurance, provision of utilities, and provision of furnishings related to emergency shelter; ○ Provision of rental assistance to provide short-term or medium-term housing to homeless individuals or families or those at risk of homelessness, which may include tenant-based or project-based rental assistance; ○ Housing relocation or stabilization services for homeless individuals or families or those at risk of homelessness, including housing search, mediation or outreach to property owners, legal services, credit repair, providing security or utility deposits, utility payments, rental assistance for a final month at a location, assistance with moving costs, or other activities that are effective at— <ul style="list-style-type: none"> ▪ Stabilizing individuals and families in their current housing; or ▪ Quickly moving such individuals and families to other permanent housing. ● Stipulates that no more than 60 percent (or the previous year’s amount, whichever is highest) of the aggregate amount of funding for any grantee may be used for activities related to emergency shelter or street outreach. ● Requires participation in HMIS by recipients of ESG funds. 	
<p>13. Continuum of Care Program</p>	<ul style="list-style-type: none"> ● Consolidates the SHP, Innovative Services, Shelter Plus Care, SRO Moderate Rehabilitation, and Safe Havens programs into a single Continuum of Care program. ● The purposes of the Continuum of Care program are— <ul style="list-style-type: none"> ○ To promote community-wide commitment to ending homelessness; ○ To provide funding for efforts by nonprofit 	<ul style="list-style-type: none"> ● NCH supports.

	<p>providers and state/local governments to quickly rehouse homeless individuals and families while minimizing the trauma and dislocation caused to individuals, families, and communities by homelessness;</p> <ul style="list-style-type: none"> ○ To promote access to, and effective utilization of, mainstream programs and programs funded with state or local resources; and ○ To optimize self-sufficiency among individuals and families experiencing homelessness. 	
14. Notification of Funding Availability (NOFA)	<ul style="list-style-type: none"> ● Requires Secretary to release a NOFA within 3 months of annual appropriation. 	<ul style="list-style-type: none"> ● NCH supports.
15. Applications	<ul style="list-style-type: none"> ● Permits applications from project sponsors and unified funding agencies. ● Applications shall— <ul style="list-style-type: none"> ○ Determine compliance with program requirements and selection criteria; and ○ Establish priorities for funding projects in the geographic area. ● Solo applicants may submit an application only if the Secretary determines that the applicant has attempted to participate in the continuum of care process but was not permitted in an unreasonable manner. 	<ul style="list-style-type: none"> ● NCH supports.
16. Announcement of Awards	<ul style="list-style-type: none"> ● Requires Secretary to announce awarded grants within 5 months after the last date for submission of applications for a fiscal year. ● As an exception to the above, the Secretary is given 6 months to announce awarded grants for a period of up to 2 years after enactment. 	<ul style="list-style-type: none"> ● NCH supports.
17. Obligation, Distribution, and Utilization of Funds	<ul style="list-style-type: none"> ● Requirements for obligation, including site control, matching funds, and environmental review requirements, must be fulfilled not later than 9 months after the announcement of awards. ● Requirements for obligation of awards for acquisition, rehabilitation, or construction must be fulfilled not later than 24 months after announcement. ● Permits Secretary to extend the deadline for fulfilling requirements for obligation if compliance was delayed due to factors beyond reasonable 	<ul style="list-style-type: none"> ● NCH supports.

	<p>control of the recipient or project sponsor.</p> <ul style="list-style-type: none"> • Obligation of funds must occur not later than 45 days after requirements are fulfilled. • Distribution of funds must occur not later than 45 days after obligation. • Permits Secretary to set date certain for the complete expenditure of funds, and requires Secretary to recapture funds not expended by such date and reallocate those funds for another homeless assistance and prevention project, if possible, in the same geographic area. • Permits Secretary to renew funding for a specific project included as part of a total application, even if the application was not selected to receive grant assistance, for a period of not more than 1 year. • Requires Secretary, when providing renewal funding for leasing, operating costs, or rental assistance, to make adjustments proportional to increases in the fair market rents in the geographic area. 	
18. Appeals	<ul style="list-style-type: none"> • Requires Secretary to establish a timely appeal procedure for grant amounts awarded or denied. 	<ul style="list-style-type: none"> • NCH supports.
19. Flexibility to Serve Persons Defined As Homeless under Other Federal Laws	<ul style="list-style-type: none"> • Permits a collaborative applicant to use no more than 10 percent of its funds to serve families with children and youth defined as homeless under other federal statutes, but only if the applicant demonstrates that such use of funds is of equal or greater priority, or is more cost effective. • Exempts collaborative applicants for whom the rate of homelessness is less than one-tenth of 1 percent of the total population from the 10 percent limitation. 	<ul style="list-style-type: none"> • Include all persons defined as homeless under other federal statutes—including single adults and childless couples—in the allowance for geographic areas to use up to 10 percent of their continuum of care allocations to serve persons defined as homeless under other federal laws. (If the general definition of homelessness is expanded to match NCH’s recommendation [see #3], this provision is unnecessary.)
20. Eligible Activities	<ul style="list-style-type: none"> • Includes as eligible activities— <ul style="list-style-type: none"> ○ Construction of new housing units; ○ Acquisition or rehabilitation of a structure; ○ Leasing of property; ○ Provision of tenant-based, project-based, or 	<ul style="list-style-type: none"> • NCH supports.

	<p>sponsor-based rental assistance. (Assistance may have an initial term of 15 years, with assistance for the first 5 years paid with funds authorized for appropriation under this Act);</p> <ul style="list-style-type: none"> ○ Payment of operating costs for housing units; ○ Supportive services for individuals and families who are currently homeless, have been homeless in the prior 6 months but are currently in permanent housing, or who were previously homeless and are currently residing in permanent supportive housing; ○ Provision of rehousing services, including housing search, mediation or outreach to property owners, credit repair, providing security or utility deposits, rental assistance for a final month at a location, assistance with moving costs, or other activities that— <ul style="list-style-type: none"> ▪ Are effective at moving homeless individuals and families immediately into housing; or ▪ May benefit individuals and families who in the prior 6 months have been homeless, but are currently residing in permanent housing. ○ Operation of, participation in, and ensuring consistent participation by project sponsors in HMIS; ○ In the case of a collaborative applicant that is a legal entity, payment of administrative costs, for which the applicant may not use more than 3 percent of total funds; ○ In the case of a collaborative applicant that is a unified funding agency, payment of administrative costs, for which the applicant may not use more than 3 percent of total funds in addition to the 3 percent already allotted for that purpose; and ○ Payment of administrative costs to project sponsors, for which each sponsor may not use more than 10 percent of total funds. <ul style="list-style-type: none"> ● Adds staff training as an eligible activity. ● Permits the Secretary to impose minimum grant terms of up to 5 years for new projects. 	
<p>21. Acquisition,</p>	<ul style="list-style-type: none"> ● Requires housing projects to be operated for the 	<ul style="list-style-type: none"> ● NCH supports.

<p>Rehabilitation, and New Construction of Housing Projects</p>	<p>purpose specified for at least 15 years.</p> <ul style="list-style-type: none"> • Requires housing project sponsors to repay assistance in whole (if earlier than 10 years after operation begins) or in part (if between 10 and 15 years after operation begins) if the project ceases to serve homeless persons. • Exempts project sponsors from making repayments if— <ul style="list-style-type: none"> ○ The sale or disposition of the property results in the property use that benefits very low-income persons; ○ All of the proceeds of the sale are used to provide transitional or permanent housing; ○ Project-based rental assistance or operating cost assistance is no longer made available and the project is meeting applicable performance standards; or ○ There are no individuals and families in the geographic area who are homeless, in which case the project may serve persons at risk of homelessness. • Prevents undue benefits from the sale or other disposition of housing projects. • Permits projects that serve homeless individuals or families with disabilities to serve individuals who had previously met the requirements prior to moving into a different housing project. 	
<p>22. Incentives for High-Performing Communities</p>	<ul style="list-style-type: none"> • Directs Secretary to designate “high-performing communities.” • Limits the designation to 10 geographic areas in each of the first 2 years after enactment. • Limits duration of the designation to 1 year. • Requires collaborative applicants seeking “high-performing community” designation to submit an application containing a report of prior year’s expenditures. • Requires Secretary to publish any report or information submitted in an application in the applicant’s geographic area for public comment. • Defines as “high-performing community” any geographic area that demonstrates the following requirements: <ul style="list-style-type: none"> ○ The mean length of homelessness is less than 20 days, or, for individuals and families in similar circumstances during the preceding 	<ul style="list-style-type: none"> • NCH opposes this incentive on the grounds that it reduces the flexibility of recipients and project sponsors to respond to homelessness with the interventions that make the most sense for those experiencing homelessness in their geographic area, as well as to respond nimbly to emerging challenges such as homelessness resulting from the foreclosure crisis.

	<p>year, is at least 10 percent less.</p> <ul style="list-style-type: none"> ○ Of individuals and families— <ul style="list-style-type: none"> ▪ Who leave homelessness, fewer than 5 percent become homeless again at any time within the next 2 years; or ▪ In similar circumstances who leave homelessness, the percentage who become homeless again within the next 2 years has decreased by at least 20 percent from the preceding year. ○ The communities in the geographic area have— <ul style="list-style-type: none"> ▪ Actively encouraged homeless persons to participate in homeless assistance services; and ▪ Included each homeless individual or family who sought services in the community's HMIS. ○ Funded activities were effective at reducing the number of individuals and families who became homeless. ○ For communities serving homeless families with children and youth defined as homeless under other federal statutes, funded activities were effective in reaching goals. ● Requires high-performing communities to coordinate with the Secretary to distribute information about their successful efforts. 	
<p>23. Program Requirements</p>	<ul style="list-style-type: none"> ● Requires applications to include assurance of site control not later than 12 months after the notification of an award for grant assistance. ● Adds as program requirements— <ul style="list-style-type: none"> ○ Ensure operation of project in accordance with provisions of this subtitle; ○ Monitor and report to Secretary the progress of the project; ○ Ensure that persons experiencing homelessness are involved, through employment, provision of volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating facilities and in providing services; ○ Require certification from all project sponsors that— <ul style="list-style-type: none"> ▪ They will maintain the confidentiality of 	<ul style="list-style-type: none"> ● NCH supports. ● Project sponsors should be required to maintain confidentiality of records of all recipients of services, not just victim services.

	<p>records pertaining to any recipient of family violence prevention or treatment services;</p> <ul style="list-style-type: none"> ▪ The address or location of any family violence shelter project will not be made public, except with authorization of the operator; ▪ They will establish policies and practices that do not restrict rights related to provision of educational services to homeless persons; ▪ 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; ▪ They will provide data and reports as required by the Secretary. <ul style="list-style-type: none"> ○ Establish fiscal control and fund accounting procedures necessary to assure proper disbursement and accounting of funds by unified funding agencies; ○ Monitor and report matching funds to the Secretary; ○ Take education needs of children into account when families are placed in shelters, and place families with children as close as possible to their school of origin; ○ Comply with such other terms and conditions as established by the Secretary. 	
<p>24. Selection Criteria</p>	<ul style="list-style-type: none"> • Requires selection criteria to include— <ul style="list-style-type: none"> ○ Previous performance of the recipient regarding homelessness, taking into account barriers faced by individual homeless persons, including— <ul style="list-style-type: none"> ▪ Length of time individuals and families remain homeless; ▪ Extent to which individuals and families who leave homelessness experience additional spells; ▪ Thoroughness of grantees in the geographic area of reaching homeless persons; ▪ Overall reduction in number of homeless persons; 	<ul style="list-style-type: none"> • NCH supports.

	<ul style="list-style-type: none"> ▪ Jobs and income growth for homeless persons; ▪ Success at reducing the number of persons who become homeless; ▪ Other accomplishments related to reducing homelessness; ▪ Success in achieving goals and outcomes regarding families with children and youth defined as homeless under other federal statutes. ○ Recipient's plan, including— <ul style="list-style-type: none"> ▪ How the number of homeless persons will be reduced; ▪ How the length of time that homeless persons remain homeless will be reduced; ▪ How the recipient will collaborate with local education authorities to assist in identification of homeless persons; ▪ The extent to which a recipient will— <ul style="list-style-type: none"> • Address the needs of all relevant subpopulations; • Incorporate comprehensive strategies for reducing homelessness; • Set quantifiable performance measures; • Set timelines for completion of specific tasks; • Identify specific funding sources for planned activities; and • Identify an individual body responsible for overseeing implementation of specific strategies. ▪ Whether the recipient proposes to use funds to address those defined as homeless under other federal statutes. ○ Recipient's methodology used to determine priority for funding local projects, including the extent to which the process— <ul style="list-style-type: none"> ▪ Uses periodically collected information and analysis to determine success of each project; ▪ Considers full range of opinions from individuals or entities with knowledge of 	
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	<p>homelessness in the geographic area;</p> <ul style="list-style-type: none"> ▪ Is based on objective criteria; and ▪ Is open to proposals from entities that have not previously received funds. <ul style="list-style-type: none"> ○ Extent to which assistance will be supplemented with resources from other public and private sources; ○ Demonstrated coordination with other federal, state, local, private and other entities serving homeless persons and those at risk of homelessness; ○ For those serving homeless families with children defined as homeless under other federal statutes, program goals and outcomes, which shall include— <ul style="list-style-type: none"> ▪ Preventing homelessness among families with children and youth at highest risk of becoming homeless; ▪ Achieving independent living in permanent housing among such families; ○ Need within the geographic area for homeless services, including the following variables— <ul style="list-style-type: none"> ▪ Number of homeless persons; ▪ Shortages of affordable housing; ▪ Severe housing problems among extremely low-income households; ▪ Poverty rate. 	
<p>25. Pro Rata Estimate</p>	<ul style="list-style-type: none"> • Requires Secretary to inform collaborative applicants, concurrently with the release of the notice of funding availability, of the pro rata estimated grant amount for the geographic area. • Requires Secretary to establish a new formula for determining the estimated need, using the best available data for each geographic area. The formula should take into account: <ul style="list-style-type: none"> ○ Number of homeless persons; ○ Shortages of affordable housing; ○ Severe housing problems among extremely low-income households; ○ Poverty rate. • For a collaborative applicant that represents a combination or consortium of cities or counties, the estimated need shall be the sum of the estimated need amounts for the cities or counties 	<ul style="list-style-type: none"> • All homeless living arrangements should be included in any counts required by the Secretary.

	<p>represented by the collaborative applicant.</p> <ul style="list-style-type: none"> • Permits Secretary to increase estimate to provide 1 year of renewal funding for all expiring contracts entered into within the geographic area. • Prohibits Secretary from requiring communities to conduct a count of persons defined as homeless under section 103(a), paragraphs (5) through (7), this Act. • Permits Secretary to adjust the formula as necessary— <ul style="list-style-type: none"> ○ To ensure that each collaborative applicant has sufficient funding to renew all qualified projects for at least one year; and ○ 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 Act. 	
<p>26. Permanent Housing Set-Asides</p>	<ul style="list-style-type: none"> • At least 30 percent of awarded funds shall be used for permanent housing for homeless individuals with disabilities and homeless families that include a disabled adult. • This percentage is reduced proportionately as geographic areas develop sufficient permanent housing for all chronically homeless persons in their area. • This percentage is suspended in years in which there is insufficient appropriations to cover permanent housing renewals. • This percentage is voided when the Secretary determines that 150,000 new units of permanent housing units for persons with disabilities have been funded since 2001. • At least 10 percent of awarded funds shall used for permanent housing for homeless families with children. • No limit on the amount of funds an applicant may request for permanent housing or transitional housing. • Requires Secretary to provide bonuses or other incentives to geographic areas (without limiting flexibility to serve families with children and youth defined as homeless under other federal statutes) for using funding for activities that have been proven to be effective at reducing homelessness 	<ul style="list-style-type: none"> • NCH opposes set-asides, bonuses, and incentives in these programs, on the grounds that they reduce the flexibility of recipients and project sponsors to respond to homelessness with the interventions that make the most sense for those experiencing homelessness in their geographic area, as well as to respond nimbly to emerging challenges such as homelessness resulting from the foreclosure crisis.

	<p>generally, or for a specific subpopulation, including—</p> <ul style="list-style-type: none"> ○ Permanent supportive housing for chronically homeless persons; ○ 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 ○ Any other activity determined by the Secretary to be particularly effective. 	
27. Housing Project Renewals	<ul style="list-style-type: none"> ● Funds for renewals of permanent housing projects may come from either the McKinney-Vento account or the project-based Section 8 account. Those funds shall be available in the case of tenant-based assistance, successive 1-year terms, and in the case of project-based assistance, successive terms of up to 15 years at the discretion of the applicant or project sponsor and subject to the availability of annual appropriations, and for rental assistance and housing operation costs associated with permanent housing projects. 	<ul style="list-style-type: none"> ● NCH supports.
28. Matching Funding	<ul style="list-style-type: none"> ● Requires 25 percent match. ● Specifies that grants for leasing are not subject to match requirement. ● Permits both in-cash and in-kind matches, providing that documentation is provided for in-kind matches. 	<ul style="list-style-type: none"> ● Add donated real property and personal property as accepted forms of in-kind matches.
29. Research	<ul style="list-style-type: none"> ● Authorizes appropriation of \$8 million for FY 2009 and 2010 for research into the efficacy of interventions for homeless families, to be expended by the Secretary over 2 years at 3 different sites. 	<ul style="list-style-type: none"> ● No position.
30. Rural Housing Stability Assistance Program	<ul style="list-style-type: none"> ● Reauthorizes and renames an existing, but unused, rural homeless assistance program. ● Defines the purpose of the Rural Housing Stability Assistance Program as: <ul style="list-style-type: none"> ○ Rehousing and improving the housing situation of those in the worst housing 	<ul style="list-style-type: none"> ● Establish a rural homeless assistance grant program apart from the Continuum of Care/Homeless Assistance program to ensure greater access of rural communities

	<p>situations;</p> <ul style="list-style-type: none"> ○ Stabilizing the housing of those who are in imminent danger of losing housing; ○ Improving the ability of the lowest-income residents of a community to find affordable stable housing. <ul style="list-style-type: none"> ● Adds as eligible uses to the existing law the following activities: <ul style="list-style-type: none"> ○ Construction of new housing units to provide housing to homeless persons and those at risk of homelessness; ○ Acquisition or rehabilitation of structures for housing or supportive services; ○ Leasing of property; ○ Provision of rental assistance; ○ Payment of operating costs. ● Requires 25 percent match for projects, except for grants for leasing, and permits in-kind grants when documentation is provided. ● Establishes application selection criteria. ● Adds to the current definition of rural area: <ul style="list-style-type: none"> ○ Any area or community, respectively, located in a state that has population density of less than 30 persons per square mile and of which at least 1.25 percent of the total acreage of such state is under federal jurisdiction, provided that no metropolitan city in such state is the sole beneficiary of grants. ● Clarifies that grants made under this section are in lieu of grants under the Continuum of Care program. ● Requires the Secretary to transfer at least 5 percent of funds from the HUD McKinney-Vento appropriation to the Rural Housing Stability Assistance program. 	<p>to federal resources.</p> <ul style="list-style-type: none"> ● NCH prefers that a rural homeless assistance program be administered by the U.S. Department of Agriculture, which has greater competency and experience in working with rural communities. ● Delete the overly broad additional definition of “rural area,” which as constructed could allow metropolitan cities in rural states to apply for funding under the rural program rather than the continuum of care program, so long as the metropolitan city is attached to a non-metropolitan jurisdiction for purposes of configuring the eligible geographic area.
<p>31. GAO Study of Homelessness and Homeless Assistance in Rural Areas</p>	<ul style="list-style-type: none"> ● Directs the Comptroller General to conduct a study to examine homelessness and homeless assistance in rural areas and rural communities and submit a report to Congress containing the following— <ul style="list-style-type: none"> ○ General description of homelessness, including the range of living situations among homeless individuals and families, in rural areas, tribal lands, and colonias. ○ Estimate of incidence and prevalence of 	<ul style="list-style-type: none"> ● NCH supports.

	<p>homelessness among individuals and families in rural areas and communities.</p> <ul style="list-style-type: none"> ○ Estimate of number of individuals and families who migrate annually to non-rural areas for homeless assistance. ○ Description of barriers that individuals and families in and around rural areas encounter when seeking to access homeless assistance, and recommendations for removing such barriers. ○ Comparison of the rate of homelessness among people in rural areas compared to that in non-rural areas. ○ General description of homeless assistance in rural areas. ○ Description of barriers that homeless assistance providers encounter when seeking access to federal homeless assistance programs, and recommendations for removing such barriers. ○ Assessment of the type and amount of federal homeless assistance funds awarded to organizations in rural areas. ○ Assessment of the current roles of HUD, USDA, and other federal departments in administering homeless assistance programs in rural areas. 	
<p>32. Effective Date</p>	<ul style="list-style-type: none"> ● Provisions in this Act shall take effect 18 months after enactment, or 3 months after HUD issues their final regulations, whichever occurs first. 	<ul style="list-style-type: none"> ● NCH supports.
<p>33. Penalties</p>	<ul style="list-style-type: none"> ● No language. 	<ul style="list-style-type: none"> ● Establish an array of policy tools, including sanctions, in order to curb or repeal state and local laws that serve to penalize persons experiencing homelessness based upon their status as homeless. Geographic areas with laws that penalize persons experiencing homelessness based upon their status as homeless or by using zoning law, ordinances, or policies to prevent the siting of

		homeless facilities should be barred from receiving funds through the Edward Byrne Memorial Justice Assistance Grant Program until such laws are repealed.
34. Maintenance of Effort	<ul style="list-style-type: none"> • No language. 	<ul style="list-style-type: none"> • Add a provision that funds appropriated and made available for all eligible activities shall be used to supplement, and not supplant, other Federal, State, and local public funds use for such activities.
35. Transition Period	<ul style="list-style-type: none"> • No language. 	<ul style="list-style-type: none"> • Add a provision assuring continuation of funds to current project sponsors during the transition period from the homeless assistance program as currently configured and any new configuration.