

**§ 11386c. Renewal funding and terms of assistance for permanent housing**

**(a) In general**

Renewal of expiring contracts for leasing, rental assistance, or operating costs for permanent housing contracts may be funded either—

- (1) under the appropriations account for this subchapter; or
- (2) the section 8 [42 U.S.C. 1437f] project-based rental assistance account.

**(b) Renewals**

The sums made available under subsection (a) shall be available for the renewal of contracts 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, for rental assistance and housing operation costs associated with permanent housing projects funded under this part, or under part C or F (as in effect on the day before the effective date of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009). The Secretary shall determine whether to renew a contract for such a permanent housing project on the basis of certification by the collaborative applicant for the geographic area that—

- (1) there is a demonstrated need for the project; and
- (2) the project complies with program requirements and appropriate standards of housing quality and habitability, as determined by the Secretary.

**(c) Construction**

Nothing in this section shall be construed as prohibiting the Secretary from renewing contracts under this part in accordance with criteria set forth in a provision of this part other than this section.

(Pub. L. 100-77, title IV, § 429, as added Pub. L. 111-22, div. B, title III, § 1305(3), May 20, 2009, 123 Stat. 1695.)

REFERENCES IN TEXT

The effective date of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, referred to in subsec. (b), probably means the general effective date under section 1503 of Pub. L. 111-22, which is set out as an Effective Date of 2009 Amendment note under section 11302 of this title.

PRIOR PROVISIONS

A prior section 429 of Pub. L. 100-77 was classified to section 11389 of this title prior to repeal by Pub. L. 111-22, div. B, title III, § 1305(1), May 20, 2009, 123 Stat. 1690.

EFFECTIVE DATE

Section effective on the earlier of 18 months after May 20, 2009, or 3 months after publication of certain final regulations by Secretary of Housing and Urban Development, see section 1503 of Pub. L. 111-22, set out as an Effective Date of 2009 Amendment note under section 11302 of this title.

**§ 11386d. Matching funding**

**(a) In general**

A collaborative applicant in a geographic area in which funds are awarded under this part shall

specify contributions from any source other than a grant awarded under this part, including renewal funding of projects assisted under parts C, D, and F of this subchapter as in effect before the effective date under section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, that shall be made available in the geographic area in an amount equal to not less than 25 percent of the funds provided to recipients in the geographic area, except that grants for leasing shall not be subject to any match requirement.

**(b) Limitations on in-kind match**

The cash value of services provided to the residents or clients of a project sponsor by an entity other than the project sponsor may count toward the contributions in subsection (a) only when documented by a memorandum of understanding between the project sponsor and the other entity that such services will be provided.

**(c) Countable activities**

The contributions required under subsection (a) may consist of—

- (1) funding for any eligible activity described under section 11383 of this title; and
- (2) subject to subsection (b), in-kind provision of services of any eligible activity described under section 11383 of this title.

(Pub. L. 100-77, title IV, § 430, as added Pub. L. 111-22, div. B, title III, § 1305(3), May 20, 2009, 123 Stat. 1695.)

REFERENCES IN TEXT

Section 1503 of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, referred to in subsec. (a), is section 1503 of Pub. L. 111-22, which is set out as an Effective Date of 2009 Amendment note under section 11302 of this title.

EFFECTIVE DATE

Section effective on the earlier of 18 months after May 20, 2009, or 3 months after publication of certain final regulations by Secretary of Housing and Urban Development, see section 1503 of Pub. L. 111-22, set out as an Effective Date of 2009 Amendment note under section 11302 of this title.

**§ 11386e. Appeal procedure**

**(a) In general**

With respect to funding under this part, if certification of consistency with the consolidated plan pursuant to section 11361 of this title is withheld from an applicant who has submitted an application for that certification, such applicant may appeal such decision to the Secretary.

**(b) Procedure**

The Secretary shall establish a procedure to process the appeals described in subsection (a).

**(c) Determination**

Not later than 45 days after the date of receipt of an appeal described in subsection (a), the Secretary shall determine if certification was unreasonably withheld. If such certification was unreasonably withheld, the Secretary shall review such application and determine if such applicant shall receive funding under this part.

(Pub. L. 100-77, title IV, § 431, as added Pub. L. 111-22, div. B, title III, § 1305(3), May 20, 2009, 123 Stat. 1696.)

## PRIOR PROVISIONS

A prior section 431 of Pub. L. 100-77 was classified to section 11391 of this title prior to repeal by Pub. L. 111-22, div. B, title V, §1501, May 20, 2009, 123 Stat. 1701.

## EFFECTIVE DATE

Section effective on the earlier of 18 months after May 20, 2009, or 3 months after publication of certain final regulations by Secretary of Housing and Urban Development, see section 1503 of Pub. L. 111-22, set out as an Effective Date of 2009 Amendment note under section 11302 of this title.

**§ 11387. Regulations**

Not later than the expiration of the 90-day period beginning on October 28, 1992, the Secretary shall issue interim regulations to carry out this part, which shall take effect upon issuance. The Secretary shall issue final regulations to carry out this part after notice and opportunity for public comment regarding the interim regulations, pursuant to the provisions of section 553 of title 5 (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section). The duration of the period for public comment shall not be less than 60 days, and the final regulations shall be issued not later than the expiration of the 60-day period beginning upon the conclusion of the comment period and shall take effect upon issuance.

(Pub. L. 100-77, title IV, § 432, formerly § 427, as added Pub. L. 102-550, title XIV, § 1403(a), Oct. 28, 1992, 106 Stat. 4021; renumbered § 432, Pub. L. 111-22, div. B, title III, §1305(2), May 20, 2009, 123 Stat. 1690.)

## PRIOR PROVISIONS

A prior section 11387, Pub. L. 100-77, title IV, § 427, July 22, 1987, 101 Stat. 504; Pub. L. 100-628, title IV, § 453, Nov. 7, 1988, 102 Stat. 3236, provided for reports to Congress summarizing the activities carried out under the supportive housing demonstration program, prior to repeal by Pub. L. 102-550, title XIV, § 1403(a), Oct. 28, 1992, 106 Stat. 4013.

A prior section 432 of Pub. L. 100-77, as added Pub. L. 102-550, title XIV, § 1404, Oct. 28, 1992, 106 Stat. 4022, which defined terms for purposes of this part, was classified to section 11392 of this title, prior to repeal by Pub. L. 111-22, div. B, title V, §1501, May 20, 2009, 123 Stat. 1701.

Another prior section 432 of Pub. L. 100-77, July 22, 1987, 101 Stat. 505; Pub. L. 100-628, title IV, §§ 461-463(a), Nov. 7, 1988, 102 Stat. 3236, 3237; Pub. L. 101-625, title VIII, § 834(b)-(d), Nov. 28, 1990, 104 Stat. 4365, 4366, which provided for supplemental assistance for facilities to assist the homeless, was classified to section 11392 of this title, prior to repeal by Pub. L. 102-550, title XIV, § 1403(a), Oct. 28, 1992, 106 Stat. 4013.

**§ 11388. Reports to Congress**

The Secretary shall submit a report to the Congress annually, summarizing the activities carried out under this part and setting forth the findings, conclusions, and recommendations of the Secretary as a result of the activities. The report shall be submitted not later than 4 months after the end of each fiscal year (except that, in the case of fiscal year 1993, the report shall be submitted not later than 6 months after the end of the fiscal year).

(Pub. L. 100-77, title IV, § 433, formerly § 428, as added Pub. L. 102-550, title XIV, § 1403(a), Oct. 28,

1992, 106 Stat. 4021; renumbered § 433, Pub. L. 111-22, div. B, title III, §1305(2), May 20, 2009, 123 Stat. 1690.)

## PRIOR PROVISIONS

A prior section 11388, Pub. L. 100-77, title IV, § 428, July 22, 1987, 101 Stat. 504; Pub. L. 100-628, title IV, §§ 454, 455, Nov. 7, 1988, 102 Stat. 3236; Pub. L. 101-625, title VIII, § 833(a), Nov. 28, 1990, 104 Stat. 4362, authorized appropriations for the supportive housing demonstration program, prior to repeal by Pub. L. 102-550, title XIV, § 1403(a), Oct. 28, 1992, 106 Stat. 4013.

A prior section 433 of Pub. L. 100-77 was classified to section 11393 of this title, prior to repeal by Pub. L. 111-22, div. B, title V, §1501, May 20, 2009, 123 Stat. 1701.

Another prior section 433 of Pub. L. 100-77 related to establishment of regulations for program to provide supplemental assistance for facilities to assist the homeless and was classified to section 11393 of this title, prior to repeal by Pub. L. 102-550, title XIV, § 1403(a), Oct. 28, 1992, 106 Stat. 4013.

**§ 11389. Repealed. Pub. L. 111-22, div. B, title III, § 1305(1), May 20, 2009, 123 Stat. 1690**

Section, Pub. L. 100-77, title IV, § 429, as added Pub. L. 102-550, title XIV, § 1403(a), Oct. 28, 1992, 106 Stat. 4021, authorized appropriations for fiscal years 1993 and 1994.

## PRIOR PROVISIONS

Prior sections 11391 to 11407b, consisting of former parts D to F of this subchapter which related to safe havens for homeless individuals demonstration program, miscellaneous provisions, and shelter plus care program, respectively, were repealed by Pub. L. 111-22, div. B, title V, §1501, May 20, 2009, 123 Stat. 1701, effective on the earlier of 18 months after May 20, 2009, or 3 months after publication of certain final regulations by Secretary of Housing and Urban Development, see section 1503 of Pub. L. 111-22, set out as an Effective Date of 2009 Amendment note under section 11302 of this title.

Section 11391, Pub. L. 100-77, title IV, § 431, as added Pub. L. 102-550, title XIV, § 1404, Oct. 28, 1992, 106 Stat. 4022, established safe havens for homeless individuals demonstration program.

Another prior section 11391, Pub. L. 100-77, title IV, § 431, July 22, 1987, 101 Stat. 504; Pub. L. 100-242, title V, § 570(i)(2), Feb. 5, 1988, 101 Stat. 1950, which provided definitions for a program of supplemental assistance for facilities to assist the homeless, was repealed by Pub. L. 102-550, title XIV, § 1403(a), Oct. 28, 1992, 106 Stat. 4013.

Section 11392, Pub. L. 100-77, title IV, § 432, as added Pub. L. 102-550, title XIV, § 1404, Oct. 28, 1992, 106 Stat. 4022, provided definitions for part D.

Another prior section 11392, Pub. L. 100-77, title IV, § 432, July 22, 1987, 101 Stat. 505; Pub. L. 100-628, title IV, §§ 461-463(a), Nov. 7, 1988, 102 Stat. 3236, 3237; Pub. L. 101-625, title VIII, § 834(b)-(d), Nov. 28, 1990, 104 Stat. 4365, 4366, which provided for supplemental assistance for facilities to assist the homeless, was repealed by Pub. L. 102-550, § 1403(a).

Section 11393, Pub. L. 100-77, title IV, § 433, as added Pub. L. 102-550, title XIV, § 1404, Oct. 28, 1992, 106 Stat. 4024, related to program assistance.

Another prior section 11393, Pub. L. 100-77, title IV, § 433, July 22, 1987, 101 Stat. 507, which related to establishment of regulations for program to provide supplemental assistance for facilities to assist the homeless, was repealed by Pub. L. 102-550, § 1403(a).

Section 11394, Pub. L. 100-77, title IV, § 434, as added Pub. L. 102-550, title XIV, § 1404, Oct. 28, 1992, 106 Stat. 4025, related to program requirements.

Another prior section 11394, Pub. L. 100-77, title IV, § 434, July 22, 1987, 101 Stat. 508; Pub. L. 100-628, title IV, § 464, Nov. 7, 1988, 102 Stat. 3237; Pub. L. 101-625, title VIII, § 834(a), Nov. 28, 1990, 104 Stat. 4365, which author-