

Assistance Act by adding this section at the end, was executed by adding this section at the end of subtitle A of title IV of Pub. L. 100-77 (this part), to reflect the probable intent of Congress.

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.

§ 11364. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter \$2,200,000,000 for fiscal year 2010 and such sums as may be necessary for fiscal year 2011.

(Pub. L. 100-77, title IV, § 408, as added Pub. L. 111-22, div. B, title I, § 1105, May 20, 2009, 123 Stat. 1678.)

CODIFICATION

Section 1105 of Pub. L. 111-22, which directed amendment of subtitle A of the McKinney-Vento Homeless Assistance Act by adding this section at the end, was executed by adding this section at the end of subtitle A of title IV of Pub. L. 100-77 (this part), to reflect the probable intent of Congress.

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.

PART B—EMERGENCY SOLUTIONS GRANTS PROGRAM

AMENDMENTS

2009—Pub. L. 111-22, div. B, title II, § 1201(1), May 20, 2009, 123 Stat. 1678, substituted “Emergency Solutions Grants Program” for “Emergency Shelter Grants Program” in heading.

§ 11371. Definitions

For purposes of this part:

(1) The term “local government” means a unit of general purpose local government.

(2) The term “locality” means the geographical area within the jurisdiction of a local government.

(3) The term “metropolitan city” has the meaning given such term in section 5302 of this title.

(4) The term “operating costs” means expenses incurred by a recipient operating a facility assisted under this part with respect to—

(A) the administration, maintenance, repair, and security of such housing; and

(B) utilities, fuels, furnishings, and equipment for such housing.

(5) The term “private nonprofit organization” means a secular or religious organization described in section 501(c) of title 26 that is exempt from taxation under subtitle A of title 26, has an accounting system and a voluntary board, and practices nondiscrimination in the provision of assistance.

(6) The term “recipient” means any governmental or private nonprofit entity that is ap-

proved by the Secretary as to financial responsibility.

(7) The term “Secretary” means the Secretary of Housing and Urban Development.

(8) The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(9) The term “urban county” has the meaning given such term in section 5302 of this title.

(Pub. L. 100-77, title IV, § 411, July 22, 1987, 101 Stat. 495; Pub. L. 101-625, title VIII, § 832(f)(1), Nov. 28, 1990, 104 Stat. 4361; Pub. L. 104-330, title V, § 506(a)(1), Oct. 26, 1996, 110 Stat. 4044.)

AMENDMENTS

1996—Par. (10). Pub. L. 104-330 struck out par. (10) which read as follows: “The term ‘Indian tribe’ has the meaning given such term in section 5302(a)(17) of this title.”

1990—Par. (10). Pub. L. 101-625 added par. (10).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-330 effective Oct. 1, 1997, except as otherwise expressly provided, see section 107 of Pub. L. 104-330, set out as an Effective Date note under section 4101 of Title 25, Indians.

Pub. L. 104-330, title V, § 506(c), Oct. 26, 1996, 110 Stat. 4045, as amended by Pub. L. 106-400, § 2, Oct. 30, 2000, 114 Stat. 1675, provided that: “The amendments under subsections (a) [amending this section and sections 11372 to 11376, 11382, 11401, 11403g, and 11408 of this title] and (b) [amending provisions formerly set out as a note under section 11301 of this title] shall apply with respect to amounts made available for assistance under title IV of the McKinney-Vento Homeless Assistance Act [42 U.S.C. 11360 et seq.] and section 2 of the HUD Demonstration Act of 1993 [Pub. L. 103-120, former 42 U.S.C. 11301 note], respectively, for fiscal year 1998 and fiscal years thereafter.”

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

DEFINITIONS

For provisions relating to definitions of “State” and “local government” as used in this section, see section 100261 of Pub. L. 112-141, set out as a HEARTH Act Technical Corrections note under section 11360 of this title.

§ 11372. Grant assistance

The Secretary shall make grants to States and local governments (and to private nonprofit organizations providing assistance to persons experiencing homelessness or at risk of homelessness, in the case of grants made with reallocated amounts) for the purpose of carrying out activities described in section 11374 of this title.

(Pub. L. 100-77, title IV, § 412, as added Pub. L. 111-22, div. B, title II, § 1201(4), May 20, 2009, 123 Stat. 1678.)

PRIOR PROVISIONS

A prior section 11372, Pub. L. 100-77, title IV, § 412, July 22, 1987, 101 Stat. 496; Pub. L. 101-625, title VIII,

§ 832(f)(2), Nov. 28, 1990, 104 Stat. 4361; Pub. L. 104-330, title V, § 506(a)(2), Oct. 26, 1996, 110 Stat. 4044, which related to grant assistance, was repealed by Pub. L. 111-22, div. B, title II, § 1201(4), May 20, 2009, 123 Stat. 1678.

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.

§ 11372a. Amount and allocation of assistance

(a) In general

Of the amount made available to carry out this part and part C for a fiscal year, the Secretary shall allocate nationally 20 percent of such amount for activities described in section 11374 of this title. The Secretary shall be required to certify that such allocation will not adversely affect the renewal of existing projects under this part and part C for those individuals or families who are homeless.

(b) Allocation

An entity that receives a grant under section 11372 of this title, and serves an area that includes 1 or more geographic areas (or portions of such areas) served by collaborative applicants that submit applications under part C, shall allocate the funds made available through the grant to carry out activities described in section 11374 of this title, in consultation with the collaborative applicants.

(Pub. L. 100-77, title IV, § 413, as added Pub. L. 111-22, div. B, title II, § 1201(4), May 20, 2009, 123 Stat. 1678.)

PRIOR PROVISIONS

A prior section 413 of Pub. L. 100-77 was renumbered section 414 and is classified to section 11373 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.

§ 11373. Allocation and distribution of assistance

(a) In general

The Secretary shall allocate assistance under this part to metropolitan cities, urban counties, and States (for distribution to local governments and private nonprofit organizations in the States) in a manner that ensures that the percentage of the total amount available under this part for any fiscal year that is allocated to any State, metropolitan city, or urban county is equal to the percentage of the total amount available for section 5306 of this title for such prior fiscal year that is allocated to such State, metropolitan city, or urban county.

(b) Minimum allocation requirement

If, under the allocation provisions applicable under this part, any metropolitan city or urban county would receive a grant of less than 0.05 percent of the amounts appropriated under sec-

tion 11364 of this title and made available to carry out this part for any fiscal year, such amount shall instead be reallocated to the State, except that any city that is located in a State that does not have counties as local governments, that has a population greater than 40,000 but less than 50,000 as used in determining the fiscal year 1987 community development block grant program allocation, and that was allocated in excess of \$1,000,000 in community development block grant funds in fiscal year 1987, shall receive directly the amount allocated to such city under subsection (a).

(c) Distributions to nonprofit organizations, public housing agencies, and local redevelopment authorities

Any local government receiving assistance under this part may distribute all or a portion of such assistance to private nonprofit organizations providing assistance to homeless individuals, to public housing agencies (as defined under section 1437a(b)(6) of this title), or to local redevelopment authorities (as defined under State law). Any State receiving assistance under this part may distribute all or a portion of such assistance to private nonprofit organizations providing assistance to homeless individuals, if the local government for the locality in which the project is located certifies that it approves of the project.

(d) Reallocation of funds

(1) The Secretary shall, not less than once during each fiscal year, reallocate any assistance provided under this part that is unused or returned or that becomes available under subsection (b).

(2) If a city or county eligible for a grant under subsection (a) fails to obtain approval of its comprehensive plan during the 90-day period following the date funds authorized by this part first become available for allocation during any fiscal year, the amount that the city or county would have received shall be available to the State in which the city or county is located if the State has obtained approval of its comprehensive plan. Any amounts that cannot be allocated to a State under the preceding sentence shall be reallocated to other States, counties, and cities that demonstrate extraordinary need or large numbers of homeless individuals, as determined by the Secretary.

(3) If a State fails to obtain approval of its comprehensive plan during the 90-day period following the date funds authorized by this part first become available for allocation during any fiscal year, the amount that the State would have received shall be reallocated to other States and to cities and counties as applicable, that demonstrate extraordinary need or large numbers of homeless individuals, as determined by the Secretary.

(e) Allocations to territories

In addition to the other allocations required in this section, the Secretary shall (for amounts appropriated after July 22, 1987) allocate assistance under this part to the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of