

ing homelessness generally or reducing homelessness for a specific subpopulation includes—

(A) permanent supportive housing for chronically homeless individuals and families;

(B) 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

(C) any other activity determined by the Secretary, based on research and after notice and comment to the public, to have been proven effective at reducing homelessness generally, reducing homelessness for a specific subpopulation, or achieving homeless prevention and independent living goals as set forth in section 11386a(b)(1)(F) of this title.

(3) Balance of incentives for proven strategies

To the extent practicable, in providing bonuses or incentives for proven strategies, the Secretary shall seek to maintain a balance among strategies targeting homeless individuals, families, and other subpopulations. The Secretary shall not implement bonuses or incentives that specifically discourage collaborative applicants from exercising their flexibility to serve families with children and youth defined as homeless under other Federal statutes.

(e) Incentives for successful implementation of proven strategies

If any geographic area demonstrates that it has fully implemented any of the activities described in subsection (d) for all homeless individuals and families or for all members of subpopulations for whom such activities are targeted, that geographic area shall receive the bonus or incentive provided under subsection (d), but may use such bonus or incentive for any eligible activity under either section 11383 of this title or paragraphs (4) and (5) of section 11374(a) of this title for homeless people generally or for the relevant subpopulation.

(Pub. L. 100-77, title IV, § 428, as added Pub. L. 111-22, div. B, title III, § 1305(3), May 20, 2009, 123 Stat. 1693.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), 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. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of this title and Tables.

PRIOR PROVISIONS

A prior section 428 of Pub. L. 100-77 was renumbered section 434 and is classified to section 11388 of this title.

Another prior section 428 of Pub. L. 100-77, 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, which authorized appropriations for the supportive housing demonstration program, was classified to section 11388 of this

title prior to repeal by Pub. L. 102-550, title XIV, § 1403(a), Oct. 28, 1992, 106 Stat. 4013.

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.

§ 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 Sec-

retary 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.

§ 11386f. Geographic areas

(a) Requirement to define

For purposes of this part, the term “geographic area” shall have such meaning as the Secretary shall by notice provide.

(b) Issuance of notice

Not later than the expiration of the 90-day period beginning on July 29, 2016, the Secretary shall issue a notice setting forth the definition required by subsection (a).

(Pub. L. 100-77, title IV, § 432, as added Pub. L. 114-201, title IV, § 401(a)(2), July 29, 2016, 130 Stat. 807.)

PRIOR PROVISIONS

A prior section 432 of Pub. L. 100-77 was renumbered section 433 and is classified to section 11387 of this title.

Another 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.

§ 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.