

“(2) has demonstrated experience in—

“(A) identifying and serving homeless veterans, especially those who have the greatest difficulty obtaining suitable housing;

“(B) working collaboratively with the Department of Veterans Affairs or the Department of Housing and Urban Development;

“(C) conducting outreach to, and maintaining relationships with, landlords to encourage and facilitate participation by landlords in supported housing programs similar to the supported housing program described in subsection (a);

“(D) mediating disputes between landlords and veterans receiving assistance under such supported housing program; and

“(E) carrying out such other activities as the Secretary of Veterans Affairs considers appropriate.

“(d) CONSULTATION.—In considering entering into contracts or agreements as described in subsection (a), the Secretary of Veterans Affairs shall consult with—

“(1) the Secretary of Housing and Urban Development; and

“(2) third parties that provide services as part of the Department of Housing and Urban Development continuum of care.

“(e) TECHNICAL ASSISTANCE FOR COLLABORATING ENTITIES.—

“(1) IN GENERAL.—The Secretary may provide training and technical assistance to entities with whom the Secretary collaborates in the provision of case management services to veterans as part of the supported housing program described in subsection (a).

“(2) GRANTS.—The Secretary may provide training and technical assistance under paragraph (1) through the award of grants or contracts to appropriate public and nonprofit private entities.

“(3) FUNDING.—From amounts appropriated or otherwise made available to the Secretary in the Medical Services account in a year, \$500,000 shall be available to the Secretary in that year to carry out this subsection.

“(f) ANNUAL REPORT.—

“(1) IN GENERAL.—Not later than 545 days after the date of the enactment of this Act [Aug. 6, 2012] and not less frequently than once each year thereafter, the Secretary of Veterans Affairs shall submit to Congress a report on the collaboration between the Secretary and eligible entities in the provision of case management services as described in subsection (a) during the most recently completed fiscal year.

“(2) ELEMENTS.—Each report required by paragraph (1) shall include, for the period covered by the report, the following:

“(A) A discussion of each case in which a contract or agreement described in subsection (a) was considered by the Secretary, including a description of whether or not and why the Secretary chose or did not choose to enter into such contract or agreement.

“(B) The number and types of eligible entities with whom the Secretary has entered into a contract or agreement as described in subsection (a).

“(C) A description of the geographic regions in which such entities provide case management services as described in such subsection.

“(D) A description of the number and types of covered veterans who received case management services from such entities under such contracts or agreements.

“(E) An assessment of the performance of each eligible entity with whom the Secretary entered into a contract or agreement as described in subsection (a).

“(F) An assessment of the benefits to covered veterans of such contracts and agreements.

“(G) A discussion of the benefits of increasing the ratio of case managers to recipients of vouchers under the supported housing program described in such subsection to veterans who reside in rural areas.

“(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate for the improvement of collaboration in the provision of case management services under such supported housing program.”

[Pub. L. 116-315, title IV, § 4207(b), Jan. 5, 2021, 134 Stat. 5015, provided that: “The amendments made by this section [amending section 304 of Pub. L. 112-154, set out above] shall take effect on the first day of the first fiscal year that begins after the date of the enactment of this Act [Jan. 5, 2021].”]

RATIFICATION OF ACTIONS DURING PERIOD OF EXPIRED AUTHORITY

Any action taken by Secretary of Veterans Affairs before Feb. 13, 1996, under provision of law amended by title I of Pub. L. 104-110 that was taken during period beginning on date on which authority of Secretary under such provision of law expired and ending on Feb. 13, 1996, considered to have same force and effect as if such amendment had been in effect at time of that action, see section 103 of Pub. L. 104-110, set out as a note under section 1710 of this title.

§ 2042. Supported housing for veterans participating in compensated work therapies

The Secretary may authorize homeless veterans in the compensated work therapy program to be provided housing through the therapeutic residence program under section 2032 of this title or through grant and per diem providers under subchapter II of this chapter.

(Added Pub. L. 107-95, § 5(a)(1), Dec. 21, 2001, 115 Stat. 913.)

§ 2043. Domiciliary care programs

(a) AUTHORITY.—The Secretary may establish up to 10 programs under section 1710(b) of this title (in addition to any program that is established as of the date of the enactment of this section) to provide domiciliary services under such section to homeless veterans.

(b) ENHANCEMENT OF CAPACITY OF DOMICILIARY CARE PROGRAMS FOR FEMALE VETERANS.—The Secretary shall take appropriate actions to ensure that the domiciliary care programs of the Department are adequate, with respect to capacity and with respect to safety, to meet the needs of veterans who are women.

(Added Pub. L. 107-95, § 5(a)(1), Dec. 21, 2001, 115 Stat. 913; amended Pub. L. 110-387, title VI, § 603, Oct. 10, 2008, 122 Stat. 4132.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (a), is the date of enactment of Pub. L. 107-95, which was approved Dec. 21, 2001.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-387 amended subsec. (b) generally. Prior to amendment, text read as follows: “There are authorized to be appropriated to the Secretary \$5,000,000 for each of fiscal years 2003 and 2004 to establish the programs referred to in subsection (a).”

§ 2044. Financial assistance for supportive services for very low-income veteran families in permanent housing

(a) DISTRIBUTION OF FINANCIAL ASSISTANCE.—
(1) The Secretary shall provide financial assist-

ance to eligible entities approved under this section to provide and coordinate the provision of supportive services described in subsection (b) for very low-income veteran families occupying permanent housing.

(2) Financial assistance under this section shall consist of grants for each such family for which an approved eligible entity is providing or coordinating the provision of supportive services.

(3)(A) The Secretary shall provide such grants to each eligible entity that is providing or coordinating the provision of supportive services.

(B) The Secretary is authorized to establish intervals of payment for the administration of such grants and establish a maximum amount to be awarded, in accordance with the services being provided and their duration.

(4) In providing financial assistance under paragraph (1), the Secretary shall give preference to entities providing or coordinating the provision of supportive services for very low-income veteran families who are transitioning from homelessness to permanent housing.

(5) The Secretary shall ensure that, to the extent practicable, financial assistance under this subsection is equitably distributed across geographic regions, including rural communities and tribal lands.

(6) Each entity receiving financial assistance under this section to provide supportive services to a very low-income veteran family shall notify that family that such services are being paid for, in whole or in part, by the Department.

(7) The Secretary may require entities receiving financial assistance under this section to submit a report to the Secretary that describes the projects carried out with such financial assistance.

(b) SUPPORTIVE SERVICES.—The supportive services referred to in subsection (a) are the following:

(1) Services provided by an eligible entity or a subcontractor of an eligible entity that address the needs of very low-income veteran families occupying permanent housing, including—

(A) outreach services;

(B) case management services;

(C) assistance in obtaining any benefits from the Department which the veteran may be eligible to receive, including, but not limited to, vocational and rehabilitation counseling, employment and training service, educational assistance, and health care services; and

(D) assistance in obtaining and coordinating the provision of other public benefits provided in Federal, State, or local agencies, or any organization defined in subsection (f), including—

(i) health care services (including obtaining health insurance);

(ii) daily living services;

(iii) personal financial planning;

(iv) transportation services;

(v) income support services;

(vi) fiduciary and representative payee services;

(vii) legal services to assist the veteran family with issues that interfere with the

family's ability to obtain or retain housing or supportive services;

(viii) child care;

(ix) housing counseling; and

(x) other services necessary for maintaining independent living.

(2) Services described in paragraph (1) that are delivered to very low-income veteran families who are homeless and who are scheduled to become residents of permanent housing within 90 days pending the location or development of housing suitable for permanent housing.

(3) Services described in paragraph (1) for very low-income veteran families who have voluntarily chosen to seek other housing after a period of tenancy in permanent housing, that are provided, for a period of 90 days after such families exit permanent housing or until such families commence receipt of other housing services adequate to meet their current needs, but only to the extent that services under this paragraph are designed to support such families in their choice to transition into housing that is responsive to their individual needs and preferences.

(c) APPLICATION FOR FINANCIAL ASSISTANCE.—

(1) An eligible entity seeking financial assistance under subsection (a) shall submit to the Secretary an application therefor in such form, in such manner, and containing such commitments and information as the Secretary determines to be necessary to carry out this section.

(2) Each application submitted by an eligible entity under paragraph (1) shall contain—

(A) a description of the supportive services proposed to be provided by the eligible entity and the identified needs for those services;

(B) a description of the types of very low-income veteran families proposed to be provided such services;

(C) an estimate of the number of very low-income veteran families proposed to be provided such services;

(D) evidence of the experience of the eligible entity in providing supportive services to very low-income veteran families; and

(E) a description of the managerial capacity of the eligible entity—

(i) to coordinate the provision of supportive services with the provision of permanent housing by the eligible entity or by other organizations;

(ii) to assess continuously the needs of very low-income veteran families for supportive services;

(iii) to coordinate the provision of supportive services with the services of the Department;

(iv) to tailor supportive services to the needs of very low-income veteran families; and

(v) to seek continuously new sources of assistance to ensure the long-term provision of supportive services to very low-income veteran families.

(3) The Secretary shall establish criteria for the selection of eligible entities to be provided financial assistance under this section.

(d) TECHNICAL ASSISTANCE.—(1) The Secretary shall provide training and technical assistance

to participating eligible entities regarding the planning, development, and provision of supportive services to very low-income veteran families occupying permanent housing, through the Technical Assistance grants program in section 2064 of this title.

(2) The Secretary may provide the training described in paragraph (1) directly or through grants or contracts with appropriate public or nonprofit private entities.

(e) FUNDING.—(1) From amounts appropriated to the Department for Medical Services, there shall be available to carry out subsections (a), (b), and (c) amounts as follows:

(A) \$15,000,000 for fiscal year 2009.

(B) \$20,000,000 for fiscal year 2010.

(C) \$25,000,000 for fiscal year 2011.

(D) \$100,000,000 for fiscal year 2012.

(E) \$320,000,000 for each of fiscal years 2015 through 2017.

(F) \$340,000,000 for fiscal year 2018.

(G) \$380,000,000 for each of fiscal years 2019 and 2020.

(H) \$420,000,000 for each of fiscal years 2021 and 2022.

(2) Not more than \$750,000 may be available under paragraph (1) in any fiscal year to provide technical assistance under subsection (d).

(3) There is authorized to be appropriated \$1,000,000 for each of the fiscal years 2009 through 2012 to carry out the provisions of subsection (d).

(f) DEFINITIONS.—In this section:

(1) The term “consumer cooperative” has the meaning given such term in section 202 of the Housing Act of 1959 (12 U.S.C. 1701q).

(2) The term “eligible entity” means—

(A) a private nonprofit organization; or

(B) a consumer cooperative.

(3) The term “homeless” has the meaning given that term in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302).

(4) The term “permanent housing” means community-based housing without a designated length of stay.

(5) The term “private nonprofit organization” means any of the following:

(A) Any incorporated private institution or foundation—

(i) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual;

(ii) which has a governing board that is responsible for the operation of the supportive services provided under this section; and

(iii) which is approved by the Secretary as to financial responsibility.

(B) A for-profit limited partnership, the sole general partner of which is an organization meeting the requirements of clauses (i), (ii), and (iii) of subparagraph (A).

(C) A corporation wholly owned and controlled by an organization meeting the requirements of clauses (i), (ii), and (iii) of subparagraph (A).

(D) A tribally designated housing entity (as defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)).

(6)(A) Subject to subparagraphs (B) and (C), the term “very low-income veteran family” means a veteran family whose income does not exceed 50 percent of the median income for an area specified by the Secretary for purposes of this section, as determined by the Secretary in accordance with this paragraph.

(B) The Secretary shall make appropriate adjustments to the income requirement under subparagraph (A) based on family size.

(C) The Secretary may establish an income ceiling higher or lower than 50 percent of the median income for an area if the Secretary determines that such variations are necessary because the area has unusually high or low construction costs, fair market rents (as determined under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f)), or family incomes.

(7) The term “veteran family” includes a veteran who is a single person and a family in which the head of household or the spouse of the head of household is a veteran.

(Added Pub. L. 110-387, title VI, §604(b)(1), Oct. 10, 2008, 122 Stat. 4132; amended Pub. L. 111-275, title X, §1001(e), Oct. 13, 2010, 124 Stat. 2896; Pub. L. 112-37, §12, Oct. 5, 2011, 125 Stat. 397; Pub. L. 112-154, title III, §305(c), Aug. 6, 2012, 126 Stat. 1187; Pub. L. 113-37, §2(f)(2), Sept. 30, 2013, 127 Stat. 524; Pub. L. 113-175, title II, §206, Sept. 26, 2014, 128 Stat. 1904; Pub. L. 114-58, title III, §304, title VI, §601(9), Sept. 30, 2015, 129 Stat. 534, 538; Pub. L. 114-228, title III, §305, Sept. 29, 2016, 130 Stat. 939; Pub. L. 115-62, title III, §304, Sept. 29, 2017, 131 Stat. 1163; Pub. L. 115-251, title I, §145, Sept. 29, 2018, 132 Stat. 3170; Pub. L. 116-61, §4, Sept. 30, 2019, 133 Stat. 1116; Pub. L. 116-159, div. E, title III, §5305, Oct. 1, 2020, 134 Stat. 751.)

Editorial Notes

CODIFICATION

Pub. L. 112-37, §12, Oct. 5, 2011, 125 Stat. 397, which directed amendment of “section 2044” without specifying the Code title to be amended, was executed to this section, which is section 2044 of Title 38, Veterans' Benefits, to reflect the probable intent of Congress. See 2011 Amendment notes below.

AMENDMENTS

2020—Subsec. (e)(1)(G). Pub. L. 116-159, §5305(1), substituted “and 2020” for “through 2021”.

Subsec. (e)(1)(H). Pub. L. 116-159, §5305(2), added subpar. (H).

2019—Subsec. (e)(1)(G). Pub. L. 116-61 substituted “each of fiscal years 2019 through 2021” for “fiscal year 2019”.

2018—Subsec. (e)(1)(F), (G). Pub. L. 115-251 added subpars. (F) and (G) and struck out former subpar. (F) which read as follows: “\$320,000,000 for each of fiscal years 2018 through 2019.”

2017—Subsec. (e)(1)(F). Pub. L. 115-62 added subpar. (F).

2016—Subsec. (e)(1)(E). Pub. L. 114-228 amended subpar. (E) generally. Prior to amendment, subpar. (E) read as follows: “\$300,000,000 for each of fiscal years 2015 through 2016.”

2015—Subsec. (b)(1)(D). Pub. L. 114-58, §601(9), substituted “Federal” for “federal” in introductory provisions.

Subsec. (e)(1)(E). Pub. L. 114-58, §304, substituted “fiscal years 2015 through 2016” for “fiscal years 2013 through 2015”.

2014—Subsec. (e)(1)(E). Pub. L. 113-175 substituted “fiscal years 2013 through 2015” for “fiscal years 2013 and 2014”.

2013—Subsec. (e)(1)(E). Pub. L. 113-37 substituted “for each of fiscal years 2013 and 2014” for “for fiscal year 2013”.

2012—Subsec. (e)(1)(E). Pub. L. 112-154 added subpar. (E).

2011—Subsec. (e)(1). Pub. L. 112-37, §12(b), substituted “subsections” for “subsection” in introductory provisions. See Codification note above.

Subsec. (e)(1)(D). Pub. L. 112-37, §12(a)(1), added subpar. (D). See Codification note above.

Subsec. (e)(3). Pub. L. 112-37, §12(a)(2), substituted “2012” for “2011”. See Codification note above.

2010—Subsec. (e)(3). Pub. L. 111-275 substituted “fiscal years” for “fiscal year”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 113-37 effective Oct. 1, 2013, see section 4(a) of Pub. L. 113-37, set out as a note under section 322 of this title.

FUNDING LIMITS FOR FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING DURING A PUBLIC HEALTH EMERGENCY

Pub. L. 116-136, div. B, title X, §20012, Mar. 27, 2020, 134 Stat. 589, provided that: “In the case of a public health emergency, nothing in subsection (e)(1) of section 2044 of title 38, United States Code, may be construed as limiting amounts that may be made available for carrying out subsections (a), (b), and (c) of such section.”

[For definition of “public health emergency” as used in section 20012 of Pub. L. 116-136, set out above, see section 20003 of Pub. L. 116-136, set out as a note under section 303 of this title.]

PURPOSE

Pub. L. 110-387, title VI, §604(a), Oct. 10, 2008, 122 Stat. 4132, provided that: “The purpose of this section [enacting this section] is to facilitate the provision of supportive services for very low-income veteran families in permanent housing.”

SUBCHAPTER VI—LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING

Editorial Notes

AMENDMENTS

2001—Pub. L. 107-95, §5(d)(1), (2)(A), Dec. 21, 2001, 115 Stat. 918, redesignated subchapter VI of chapter 37 of this title as this subchapter and struck out “FOR HOMELESS VETERANS” after “HOUSING” in subchapter heading.

§ 2051. General authority

(a) The Secretary may guarantee the full or partial repayment of a loan that meets the requirements of this subchapter.

(b)(1) Not more than 15 loans may be guaranteed under subsection (a), of which not more than five such loans may be guaranteed during the 3-year period beginning on the date of the enactment of this subchapter.

(2) A guarantee of a loan under subsection (a) shall be in an amount that is not less than the amount necessary to sell the loan in a commercial market.

(3) Not more than an aggregate amount of \$100,000,000 in loans may be guaranteed under subsection (a).

(c) A loan may not be guaranteed under this subchapter unless, before closing such loan, the Secretary has approved the loan.

(d)(1) The Secretary shall enter into contracts with a qualified nonprofit organization, or other qualified organization, that has experience in underwriting transitional housing projects to obtain advice in carrying out this subchapter, including advice on the terms and conditions necessary for a loan that meets the requirements of section 2052 of this title.

(2) For purposes of paragraph (1), a nonprofit organization is an organization that is described in paragraph (3) or (4) of subsection (c) of section 501 of the Internal Revenue Code of 1986 and is exempt from tax under subsection (a) of such section.

(e) The Secretary may carry out this subchapter in advance of the issuance of regulations for such purpose.

(f) The Secretary may guarantee loans under this subchapter notwithstanding any requirement for prior appropriations for such purpose under any provision of law.

(g) Notwithstanding any other provision of law, a multifamily transitional housing project that is funded by a loan guaranteed under this subchapter may accept uncompensated voluntary services performed by any eligible entity (as that term is defined in section 2011(d) of this title) in connection with the construction, alteration, or repair of such project.

(Added Pub. L. 105-368, title VI, §601(a), Nov. 11, 1998, 112 Stat. 3342, §3772; renumbered §2051 and amended Pub. L. 107-95, §5(d)(1), (2)(B), Dec. 21, 2001, 115 Stat. 918; Pub. L. 108-454, title IV, §402(a), Dec. 10, 2004, 118 Stat. 3615.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this subchapter, referred to in subsec. (b)(1), is the date of enactment of Pub. L. 105-368, which was approved Nov. 11, 1998.

Section 501 of the Internal Revenue Code of 1986, referred to in subsec. (d)(2), is classified to section 501 of Title 26, Internal Revenue Code.

AMENDMENTS

2004—Subsec. (g). Pub. L. 108-454 added subsec. (g).

2001—Pub. L. 107-95, §5(d)(1), renumbered section 3772 of this title as this section.

Subsec. (d)(1). Pub. L. 107-95, §5(d)(2)(B), substituted “section 2052 of this title” for “section 3773 of this title”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 1998, see section 602(f) of Pub. L. 105-368, set out as an Effective Date of 1998 Amendment note under section 2106 of this title.

§ 2052. Requirements

(a) A loan referred to in section 2051 of this title meets the requirements of this subchapter if each of the following requirements is met:

(1) The loan—

(A) is for—

(i) construction of, rehabilitation of, or acquisition of land for a multifamily transitional housing project described in subsection (b), or more than one of such purposes; or

(ii) refinancing of an existing loan for such a project; and