

Editorial Notes

CODIFICATION

Section 1103 of Pub. L. 111-22, which directed amendment of subtitle A of the McKinney-Vento Homeless Assistance Act by adding this section after section 403 (as so redesignated by section 1101(2) of Pub. L. 111-22), was executed by adding this section following section 403 (42 U.S.C. 11361) of subtitle A of title IV of Pub. L. 100-77 (this part), to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

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.

§ 11361b. Technical assistance**(a) In general**

The Secretary shall make available technical assistance to private nonprofit organizations and other nongovernmental entities, States, metropolitan cities, urban counties, and counties that are not urban counties, to implement effective planning processes for preventing and ending homelessness, to improve their capacity to prepare collaborative applications, to prevent the separation of families in emergency shelter or other housing programs, and to adopt and provide best practices in housing and services for persons experiencing homeless.

(b) Reservation

The Secretary shall reserve not more than 1 percent of the funds made available for any fiscal year for carrying out parts B and C, to provide technical assistance under subsection (a).

(Pub. L. 100-77, title IV, §405, as added Pub. L. 111-22, div. B, title I, §1103, May 20, 2009, 123 Stat. 1677.)

Editorial Notes

CODIFICATION

Section 1103 of Pub. L. 111-22, which directed amendment of subtitle A of the McKinney-Vento Homeless Assistance Act by adding this section after section 404, was executed by adding this section following section 404 (42 U.S.C. 11361a) of subtitle A of title IV of Pub. L. 100-77 (this part), to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

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.

§ 11362. Discharge coordination policy

The Secretary may not provide a grant under this subchapter for any governmental entity serving as an applicant unless the applicant agrees to develop and implement, to the maximum extent practicable and where appropriate,

policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons.

(Pub. L. 100-77, title IV, §406, formerly §402, as added Pub. L. 106-377, §1(a)(1) [title II, §229(a)], Oct. 27, 2000, 114 Stat. 1441, 1441A-30; renumbered §406, Pub. L. 111-22, div. B, title I, §1101(2), May 20, 2009, 123 Stat. 1669.)

§ 11363. Protection of personally identifying information by victim service providers

In the course of awarding grants or implementing programs under this subchapter, the Secretary shall instruct any victim service provider that is a recipient or subgrantee not to disclose for purposes of the Homeless Management Information System any personally identifying information about any client. The Secretary may, after public notice and comment, require or ask such recipients and subgrantees to disclose for purposes of the Homeless Management Information System non-personally identifying information that has been de-identified, encrypted, or otherwise encoded. Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.

(Pub. L. 100-77, title IV, §407, as added Pub. L. 111-22, div. B, title I, §1104, May 20, 2009, 123 Stat. 1677.)

Editorial Notes

CODIFICATION

Section 1104 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.

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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.

§ 11364a. Availability of amounts recaptured from appropriated funds

(a) Amounts recaptured from funds appropriated for this or any succeeding fiscal year under the heading “Department of Housing and Urban Development—Community Planning and Development—Homeless Assistance Grants” shall become available until expended not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available and shall be available, in addition to rental assistance amounts that were recaptured and made available until expended under such heading by any prior Act, and in addition to such other funds as may be available for such purposes, for the following purposes:

(1) For grants under the Continuum of Care program under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.);

(2) For grants under the Emergency Solutions Grant program under subtitle B of title IV of such Act (42 U.S.C. 11371 et seq.);

(3) Not less than 10 percent of the amounts shall be used only for grants in rural areas under the Continuum of Care program, to include activities eligible under the Rural Housing Stability Assistance program under section 491 of such Act (42 U.S.C. 11408) that are not otherwise eligible under the Continuum of Care program; and

(4) Not less than 10 percent of the amounts shall be for emergency solutions grants for disaster areas as authorized by subsection (c).

(b) Prior to the use of any recaptured amounts referred to in subsection (a), including competing, awarding, or obligating such amounts, the Secretary shall submit a plan in accordance with subsection (a) that specifies the planned use of any such amounts to the Committees on Appropriations of the House of Representatives and the Senate, and receive prior written approval of such plan, except that use of amounts in the plan for the purposes specified in subsection (a)(4) may begin once such plan is submitted to such Committees.

(c)(1) The Secretary may make grants under the Emergency Solutions Grants program under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11371 et seq.) to States or local governments to address the needs of homeless individuals or families or individuals or families at risk of homelessness in areas affected by a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et

seq.) on or after December 20, 2019, whose needs are not otherwise served or fully met by existing Federal disaster relief programs, including the Transitional Sheltering Assistance program under such Act (42 U.S.C. 5170b).

(2) For purposes of grants under paragraph (1), the Secretary may suspend all consultation, citizen participation, and matching requirements.

(Pub. L. 116-94, div. H, title II, § 231, Dec. 20, 2019, 133 Stat. 3008.)

Editorial Notes

REFERENCES IN TEXT

The McKinney-Vento Homeless Assistance Act, referred to in subsecs. (a)(1), (2), and (c)(1), is Pub. L. 100-77, July 22, 1987, 101 Stat. 482. Subtitle B of title IV of the Act is classified generally to part B (§11371 et seq.) of this subchapter. Subtitle C of title IV of the Act is classified generally to part C (§11381 et seq.) of this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of this title and Tables.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (c)(1), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of this title and Tables.

CODIFICATION

Section was enacted as part of the Department of Housing and Urban Development Appropriations Act, 2020, and also as part of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2020, and the Further Consolidated Appropriations Act, 2020, and not as part of the McKinney-Vento Homeless Assistance Act which comprises this chapter.

PART B—EMERGENCY SOLUTIONS GRANTS PROGRAM

Editorial Notes

CODIFICATION

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