

118TH CONGRESS
1ST SESSION

H. R. 5221

To amend the McKinney-Vento Homeless Assistance Act to meet the needs of homeless children, youth, and families, and honor the assessments and priorities of local communities.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 15, 2023

Ms. SHERRILL (for herself, Mr. POSEY, Mr. BACON, Mrs. RAMIREZ, Mr. VEASEY, Mr. FITZPATRICK, Ms. DEAN of Pennsylvania, Mr. KIM of New Jersey, Ms. BONAMICI, Ms. SCANLON, and Mr. CARSON) introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the McKinney-Vento Homeless Assistance Act to meet the needs of homeless children, youth, and families, and honor the assessments and priorities of local communities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Homeless Children and
5 Youth Act of 2023”.

1 **SEC. 2. AMENDMENTS TO THE MCKINNEY-VENTO HOME-**
2 **LESS ASSISTANCE ACT.**

3 (a) IN GENERAL.—The McKinney-Vento Homeless
4 Assistance Act is amended—

5 (1) in section 103 (42 U.S.C. 11302)—

6 (A) in subsection (a)—

7 (i) in paragraph (5)(A)—

8 (I) by striking “are sharing” and
9 all that follows through “charitable
10 organizations,”;

11 (II) by striking “14 days” each
12 place such term appears and inserting
13 “30 days”;

14 (III) in clause (i), by inserting
15 “or” after the semicolon;

16 (IV) by striking clause (ii); and

17 (V) by redesignating clause (iii)
18 as clause (ii); and

19 (ii) by amending paragraph (6) to
20 read as follows:

21 “(6) a child or youth defined as homeless under
22 any other Federal program who, without further ac-
23 tion by the Department of Housing and Urban De-
24 velopment, has been verified as homeless under any
25 other Federal program by the director, designee of
26 the director, or other person responsible for the im-

1 plementation of a program established under this
2 Act or any other Federal statute.”; and

3 (B) by adding at the end the following:

4 “(f) OTHER DEFINITIONS.—In this section—

5 “(1) the term ‘child or youth defined as home-
6 less under any other Federal program’ has the
7 meaning given the term in section 401; and

8 “(2) the term ‘other Federal statute’ has the
9 meaning given the term in section 401.

10 “(g) RULE OF CONSTRUCTION.—If the Secretary of
11 Housing and Urban Development promulgates rules,
12 issues guidance, or sets forth conditions in any applica-
13 tion, notice of funding availability, or other publication or
14 advisory regarding the provisions of this Act, the Sec-
15 retary shall ensure that—

16 “(1) any individual defined as ‘homeless’ under
17 section 103 is eligible for any program or program
18 component under this Act; and

19 “(2) all individuals defined as ‘homeless’ under
20 subsection (a) proposed to be served by an applicant,
21 and all proposed program components or housing or
22 service models, are given the same priority, points,
23 or weight.”;

24 (2) in section 401 (42 U.S.C. 11360)—

25 (A) in paragraph (1)(C)—

1 (i) by striking clauses (ii) and (iv);

2 (ii) by redesignating clauses (iii), (v),
3 (vi), and (vii) as clauses (ii), (iii), (iv), and
4 (v), respectively; and

5 (iii) by striking the flush text fol-
6 lowing clause (v), as so redesignated;

7 (B) in paragraph (2)(A)—

8 (i) in clause (i), by striking “and
9 lives” and all that follows through “shel-
10 ter” and inserting “under any provision of
11 section 103”;

12 (ii) in clause (ii), by striking “and liv-
13 ing or residing in a place not meant for
14 human habitation, a safe haven, or in an
15 emergency shelter continuously” and in-
16 serting “under any provision of section
17 103”; and

18 (iii) in clause (iii)—

19 (I) by striking “(or a minor head
20 of household if no adult is present in
21 the household)” and inserting “or a
22 minor head of household (if no adult
23 is present in the household),”; and

24 (II) by inserting before the pe-
25 riod at the end the following: “, or

1 has a child with a disability, as such
2 term is defined in section 602 of the
3 Individuals with Disabilities Edu-
4 cation Act (20 U.S.C. 1401), or an in-
5 fant or toddler with a disability, as
6 such term is defined in section 632 of
7 such Act (20 U.S.C. 1432)”;

8 (C) by striking paragraph (7);

9 (D) by redesignating paragraphs (2)
10 through (6) as paragraphs (3) through (7), re-
11 spectively;

12 (E) by inserting after paragraph (1) the
13 following:

14 “(2) CHILD OR YOUTH DEFINED AS HOMELESS
15 UNDER ANY OTHER FEDERAL PROGRAM.—The term
16 ‘child or youth defined as homeless under any other
17 Federal program’ means—

18 “(A) a homeless child or youth, as defined
19 in section 725, including any parent or guard-
20 ian with whom the child or youth is living; and

21 “(B) a youth who—

22 “(i) is not more than 24 years of age;

23 “(ii) cannot live safely with a parent,
24 legal guardian, or relative; and

1 “(iii) has no other safe alternative liv-
2 ing arrangement.”;

3 (F) in paragraph (10)(A), by inserting
4 “any provision of” before “section 103”;

5 (G) by redesignating paragraphs (16)
6 through (35) as paragraphs (17) through (36),
7 respectively;

8 (H) by inserting after paragraph (15) the
9 following:

10 “(16) OTHER FEDERAL STATUTE.—The term
11 ‘other Federal statute’ includes—

12 “(A) the Runaway and Homeless Youth
13 Act (42 U.S.C. 5701 et seq.);

14 “(B) the Head Start Act (42 U.S.C. 9831
15 et seq.);

16 “(C) the Child Care and Development
17 Block Grant of 1990 (42 U.S.C. 9858 et seq.);

18 “(D) subtitle N of the Violence Against
19 Women Act of 1994 (42 U.S.C. 14043e et
20 seq.);

21 “(E) section 330(h) of the Public Health
22 Service Act (42 U.S.C. 254b(h));

23 “(F) section 17 of the Child Nutrition Act
24 of 1966 (42 U.S.C. 1786);

1 “(G) the Higher Education Act of 1965
2 (20 U.S.C. 1001 et seq.); and

3 “(H) the United States Housing Act of
4 1937 (42 U.S.C. 1437 et seq.).”;

5 (I) in paragraph (34), as so redesignated,
6 by inserting “children under 5 years of age,
7 youth and young adults between 14 and 24
8 years of age,” after “status, or age,”;

9 (J) in paragraph (35), as so redesignated,
10 by inserting “trafficking,” after “victims of”;
11 and

12 (K) in paragraph (36), as so redesignated—
13 nated—

14 (i) by inserting “victims of traf-
15 ficking,” after “assist”;

16 (ii) by striking “stalking victims” and
17 inserting “stalking”; and

18 (iii) by inserting “trafficking,” after
19 “concerning”;

20 (3) in section 402(f) (42 U.S.C. 11360a(f))—

21 (A) in paragraph (1)(B), by inserting
22 “considering the prevalence and needs of home-
23 less individuals, as defined under any provision
24 of section 103” after “involved”; and

25 (B) in paragraph (3)(D)—

1 (i) in clause (v), by striking “and” at
2 the end;

3 (ii) by redesignating clause (vi) as
4 clause (vii); and

5 (iii) by inserting after clause (v) the
6 following:

7 “(vi) the submission of HMIS data to
8 the Secretary on at least an annual basis;
9 and”;

10 (4) by inserting after section 408 (42 U.S.C.
11 11364) the following:

12 **“SEC. 409. AVAILABILITY OF HMIS DATA.**

13 “(a) IN GENERAL.—The community-wide homeless
14 management information system (in this section referred
15 to as ‘HMIS’) data provided to the Secretary under sec-
16 tion 402(f)(3)(D)(vi) shall be made publically available on
17 the internet website of the Department of Housing and
18 Urban Development.

19 “(b) REQUIRED DATA.—The data publically available
20 under subsection (a) shall be updated on at least an an-
21 nual basis and shall include—

22 “(1) a cumulative count of the number of home-
23 less individuals and families, as defined under any
24 provision of section 103;

1 “(2) a cumulative assessment of the patterns of
2 assistance provided under subtitles B and C for each
3 geographic area involved;

4 “(3) a count of the number of homeless individ-
5 uals and families, as defined under any provision of
6 section 103, that are documented through the HMIS
7 by each collaborative applicant; and

8 “(4) a count of the number of homeless women,
9 as defined under any provision of section 103 and
10 both unaccompanied and accompanied, including a
11 breakout of the count by—

12 “(A) age range;

13 “(B) disability; and

14 “(C) length of time experiencing homeless-
15 ness.”;

16 (5) in section 422 (42 U.S.C. 11382)—

17 (A) in subsection (c)(1)(B), by striking
18 “establish” and inserting “demonstrate local,
19 needs-based”; and

20 (B) by striking subsection (j) and inserting
21 the following:

22 “(j) RULE OF CONSTRUCTION.—In awarding grants
23 under subsection (a) and releasing a notification of fund-
24 ing availability under subsection (b), the Secretary shall—

1 “(1) without further action by the Department,
2 ensure that any individual defined as ‘homeless’
3 under any provision of section 103 is eligible for any
4 program or program component under this Act;

5 “(2) ensure that homeless populations proposed
6 to be served by the applicant, and proposed program
7 components or housing or service models, are not
8 awarded different priority, points, or weight; and

9 “(3) ensure that scoring is based primarily on
10 the extent to which the applicant demonstrates that
11 the project and program components—

12 “(A) would meet the priorities identified in
13 the plan submitted under section 427(b)(1)(B);
14 and

15 “(B) are cost-effective in meeting the over-
16 all goals and objectives identified in that plan.”;

17 (6) in section 424(d) (42 U.S.C. 11384(d)), by
18 striking paragraph (5);

19 (7) in section 425(c) (42 U.S.C. 11385(c)), by
20 striking “and (G) providing” and inserting “(G) pro-
21 viding transportation to employment, early care and
22 education programs, career and technical education
23 programs, and health and mental health care serv-
24 ices, and (H) providing”;

25 (8) in section 426(b) (42 U.S.C. 11386(b))—

1 (A) in paragraph (4), by amending sub-
2 paragraph (D) to read as follows:

3 “(D) in the case of programs providing
4 housing or services to families or youth, they
5 will designate a staff person to be responsible
6 for ensuring that children and youth being
7 served in the program are—

8 “(i) enrolled in school and connected
9 to appropriate services in the community,
10 including Head Start, part C of the Indi-
11 viduals with Disabilities Act, programs au-
12 thorized under the Child Care and Devel-
13 opment Block Grant Act of 1990, career
14 and technical education, and services pro-
15 vided by local educational agency liaisons
16 designated under subtitle B of title VII of
17 this Act; and

18 “(ii) in the case of an unaccompanied
19 youth, as defined in section 725, informed
20 of their status as an independent student
21 under section 480 of the Higher Education
22 Act of 1965 (20 U.S.C. 1087vv) and re-
23 ceive verification of such status for pur-
24 poses of the Free Application for Federal

1 Student Aid described in section 483 of
2 such Act (20 U.S.C. 1090); and”;

3 (B) in paragraph (6), by inserting “the ac-
4 tual compliance with the certifications required
5 under paragraph (4) and” after “Secretary”;
6 and

7 (C) in paragraph (7)—

8 (i) by inserting “and youth” after
9 “needs of children”;

10 (ii) by inserting “or unaccompanied
11 youth” after “when families”;

12 (iii) by inserting “and unaccompanied
13 youth” after “with children”; and

14 (iv) by striking “such children’s” and
15 inserting “such children and youth’s”;

16 (9) in section 427(b) (42 U.S.C. 11386a(b))—

17 (A) in paragraph (1)—

18 (i) in subparagraph (A)—

19 (I) in clause (vi), by adding
20 “and” at the end;

21 (II) in clause (vii), by striking
22 “and” at the end; and

23 (III) by striking clause (viii);

24 (ii) in subparagraph (B)—

1 (I) by amending clause (iii) to
2 read as follows:

3 “(iii) how the recipient will collaborate
4 with local educational agencies, early care
5 and education programs, and institutions
6 of higher education to assist in the identi-
7 fication of and services to youth and fami-
8 lies who become or remain homeless, in-
9 cluding the steps the recipient will take to
10 inform youth and families of their eligi-
11 bility for services under part B of subtitle
12 VII of this Act, the Head Start Act (42
13 U.S.C. 9831 et seq.), the Child Care and
14 Development Block Grant Act of 1990 (42
15 U.S.C. 9858 et seq.), and the Higher Edu-
16 cation Act of 1965 (20 U.S.C. 1001 et
17 seq.);” and

18 (II) by striking clause (v) and in-
19 serting the following:

20 “(v) how the recipient will ensure the
21 full implementation of the certifications
22 and agreements described in paragraphs
23 (4)(D) and (7) of section 426(b);”;

24 (iii) in subparagraph (C)(i), by insert-
25 ing “and appropriate” after “rapid”; and

1 (iv) by striking subparagraphs (F)
2 and (G) and inserting the following:

3 “(F) for communities that establish and
4 operate a centralized or coordinated assessment
5 system, the extent to which that system—

6 “(i) ensures that individuals who are
7 most in need of assistance receive it in a
8 timely manner;

9 “(ii) in assessing need under clause
10 (i), uses separate, specific, age-appropriate
11 criteria for assessing the safety and needs
12 of children under 5 years of age, school-
13 age children, unaccompanied youth and
14 young adults between 14 and 24 years of
15 age, and families that are unrelated to the
16 criteria through which an individual quali-
17 fies as ‘homeless’ under section 103;

18 “(iii) is accessible to unaccompanied
19 youth and homeless families;

20 “(iv) diverts individuals to safe, sta-
21 ble, age-appropriate accommodations; and

22 “(v) includes affordable housing devel-
23 opers, youth service providers, early child-
24 hood programs, local educational agencies,
25 and mental health organizations; and

1 “(G) such other factors as the Secretary
2 determines to be appropriate to carry out this
3 subtitle in an effective and efficient manner, ex-
4 cept that such factors may not have the effect
5 of prioritizing or weighting, unless justified by
6 local data or information contained in a plan
7 submitted under subparagraph (B)—

8 “(i) any service with respect to a spe-
9 cific subpopulation of homeless individuals
10 over another; or

11 “(ii) any program component or hous-
12 ing or service model over another.”; and

13 (B) by amending paragraph (3) to read as
14 follows:

15 “(3) HOMELESSNESS COUNTS.—The Secretary
16 shall require that communities that conduct an an-
17 nual count of homeless people shall count all home-
18 less individuals identified and reported by any pro-
19 gram funded under any provision of this Act or any
20 other Federal statute (as such term is defined in
21 section 401 (42 U.S.C. 11360)).”;

22 (10) in section 428 (42 U.S.C. 11386b)—

23 (A) in subsection (a)(1)—

24 (i) by striking “disabilities and” and
25 inserting “disabilities,”; and

1 (ii) by inserting “, and homeless fami-
2 lies where a child has a disability” before
3 the period at the end;

4 (B) in subsection (d)—

5 (i) in paragraph (1), by inserting
6 “promoting” before “independent”; and

7 (ii) by striking paragraphs (2) and (3)
8 and inserting the following:

9 “(2) PROHIBITION.—The Secretary shall not
10 provide bonuses or other incentives under paragraph
11 (1) that have the effect of prioritizing or weighting,
12 unless justified by local data or information con-
13 tained in a plan submitted under section
14 427(b)(1)(B)—

15 “(A) any service with respect to a specific
16 subpopulation of homeless individuals over an-
17 other; or

18 “(B) any program component or housing
19 or service model over another.

20 “(3) RULE OF CONSTRUCTION.—For purposes
21 of this subsection, activities that have been proven to
22 be effective at reducing homelessness generally or re-
23 ducing homelessness for a specific subpopulation in-
24 clude any activity determined by the Secretary, after

1 providing notice and an opportunity for public com-
2 ment, to have been proven effective at—

3 “(A) reducing homelessness generally;

4 “(B) reducing homelessness for a specific
5 subpopulation;

6 “(C) reducing homelessness in a commu-
7 nity for populations overrepresented in any
8 counts conducted in that community under sec-
9 tion 427(b)(3); or

10 “(D) achieving homeless prevention, reduc-
11 ing recidivism, and promoting self-sufficiency
12 and independent living.

13 “(4) ENCOURAGING LOCAL SUCCESS AND INNO-
14 VATION.—In providing bonuses or incentives under
15 paragraph (1), the Secretary shall seek to encourage
16 the implementation of proven strategies and innova-
17 tion in reducing homelessness among the local pri-
18 ority populations identified in the plan submitted by
19 an applicant under section 427(b)(1)(B). The Sec-
20 retary shall not implement bonuses or incentives
21 that promote a national priority established by the
22 Secretary.”; and

23 (C) by striking subsection (e); and

24 (11) by amending section 434 (42 U.S.C.
25 11388) to read as follows:

1 **“SEC. 434. REPORTS TO CONGRESS.**

2 “(a) IN GENERAL.—The Secretary shall submit to
3 Congress an annual report, which shall—

4 “(1) summarize the activities carried out under
5 this subtitle and set forth the findings, conclusions,
6 and recommendations of the Secretary as a result of
7 the activities;

8 “(2) include, for the year preceding the date on
9 which the report is submitted—

10 “(A) data required to be made publically
11 available in the report under section 409;

12 “(B) data on programs funded under any
13 other Federal statute; and

14 “(3) provide information on—

15 “(A) the extent to which the data collected
16 under section 427(b)(3) may be duplicative; and

17 “(B) the policies and practices employed to
18 account for such duplication, where applicable,
19 to ensure an accurate point-in-time count.

20 “(b) TIMING.—A report under subsection (a) shall be
21 submitted not later than 4 months after the end of each
22 fiscal year.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENT.—

24 The table of contents in section 101(b) of the McKinney-
25 Vento Homeless Assistance Act (42 U.S.C. 11301 note)

1 is amended by inserting after the item relating to section

2 408 the following:

“Sec. 409. Availability of HMIS data.”.

○