

117TH CONGRESS  
1ST SESSION

# S. 1469

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.

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## IN THE SENATE OF THE UNITED STATES

APRIL 29, 2021

Mrs. FEINSTEIN (for herself, Mr. PORTMAN, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## 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 2021”.

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

3 (a) IN GENERAL.—The McKinney-Vento Homeless  
4 Assistance Act (42 U.S.C. 11301 et seq.) 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 that 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.”;

3 (B) in subsection (b), by striking “fleeing”  
4 and all that follows through the period at the  
5 end and inserting the following: “experiencing  
6 or has experienced domestic violence, dating vi-  
7 olence, sexual assault, stalking, or human traf-  
8 ficking, or other dangerous or life threatening  
9 conditions, which has made it unsafe to remain  
10 in their current housing or caused homeless-  
11 ness.”; and

12 (C) by adding at the end the following:

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

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

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

19 “(g) RULE OF CONSTRUCTION.—If the Secretary of  
20 Housing and Urban Development promulgates rules,  
21 issues guidance, or sets forth conditions in any applica-  
22 tion, notice of funding availability, or other publication or  
23 advisory regarding the provisions of this Act, the Sec-  
24 retary shall ensure that—

1           “(1) any individual defined as ‘homeless’ under  
2 subsection (a) or (b) is eligible for any program or  
3 program component under this Act; and

4           “(2) all individuals defined as ‘homeless’ under  
5 subsection (a) proposed to be served by an applicant,  
6 and all proposed program components or housing or  
7 service models, are given the same priority, points,  
8 or weight.”;

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

10           (A) in paragraph (1)(C)—

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

12           (ii) by redesignating clauses (iii), (v),  
13 (vi), and (vii) as clauses (ii), (iii), (iv), and  
14 (v), respectively; and

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

17           (B) in paragraph (2)(A)—

18           (i) in clause (i), by striking “and  
19 lives” and all that follows through “shel-  
20 ter” and inserting “under any provision of  
21 section 103”;

22           (ii) in clause (ii), by striking “and liv-  
23 ing or residing in a place not meant for  
24 human habitation, a safe haven, or in an  
25 emergency shelter continuously” and in-

1           serting “under any provision of section  
2           103”; and

3           (iii) in clause (iii)—

4           (I) by striking “(or a minor head  
5           of household if no adult is present in  
6           the household)” and inserting “or a  
7           minor head of household (if no adult  
8           is present in the household),”; and

9           (II) by inserting before the pe-  
10          riod at the end the following: “, or  
11          has child with a disability, as defined  
12          in section 602 of the Individuals with  
13          Disabilities Education Act (20 U.S.C.  
14          1401), or an infant or toddler with a  
15          disability, as defined in section 632 of  
16          such Act (20 U.S.C. 1432)”;

17          (C) by striking paragraph (7);

18          (D) by redesignating paragraphs (2)  
19          through (6) as paragraphs (3) through (7), re-  
20          spectively;

21          (E) by inserting after paragraph (1) the  
22          following:

23          “(2) CHILD OR YOUTH DEFINED AS HOMELESS  
24          UNDER ANY OTHER FEDERAL PROGRAM.—The term

1 ‘child or youth defined as homeless under any other  
2 Federal program’ means—

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

6 “(B) a youth who—

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

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

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

12 (F) in paragraph (9)(A), by inserting “any  
13 provision of” before “section 103”;

14 (G) by redesignating paragraphs (14)  
15 through (33) as paragraphs (15) through (34),  
16 respectively;

17 (H) by inserting after paragraph (13) the  
18 following:

19 “(14) OTHER FEDERAL STATUTE.—The term  
20 ‘other Federal statute’ includes—

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

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

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

3           “(D) subtitle N of the Violence Against  
4 Women Act of 1994 (42 U.S.C. 14043e et  
5 seq.);

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

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

10          “(G) the Higher Education Act of 1965  
11 (20 U.S.C. 1001 et seq.); and

12          “(H) the United States Housing Act of  
13 1937 (42 U.S.C. 1437 et seq.).”;

14          (I) in paragraph (32), as so redesignated,  
15 by inserting “children under 5 years of age,  
16 youth and young adults between 14 and 24  
17 years of age,” after “status, or age);”;

18          (J) in paragraph (33), as so redesignated,  
19 by inserting “trafficking,” after “victims of”;  
20 and

21          (K) in paragraph (34), as so redesignated—  
22

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

1 (ii) by striking “stalking victims” and  
2 inserting “stalking”; and

3 (iii) by inserting “trafficking,” after  
4 “concerning”;

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

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

10 (B) in paragraph (3)(D)—

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

13 (ii) by redesignating clause (vi) as  
14 clause (vii); and

15 (iii) by inserting after clause (v) the  
16 following:

17 “(vi) the submission of HMIS data to  
18 the Secretary on at least an annual basis;  
19 and”;

20 (4) by inserting after section 408 (42 U.S.C.  
21 11364) the following:

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

23 “(a) IN GENERAL.—The community-wide homeless  
24 management information system (in this section referred  
25 to as ‘HMIS’) data provided to the Secretary under sec-

1 tion 402(f)(3)(D)(vi) shall be made publically available on  
2 the internet website of the Department of Housing and  
3 Urban Development.

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

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

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

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

17 “(4) a count of the number of homeless women,  
18 as defined under any provision of section 103 and  
19 both unaccompanied and accompanied, including a  
20 breakout of the count by—

21 “(A) age range;

22 “(B) disability; and

23 “(C) length of time experiencing homeless-  
24 ness.”;

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

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

4 (B) by striking subsection (j) and inserting  
5 the following:

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

9 “(1) without further action by the Department  
10 of Housing and Urban Development, ensure that  
11 any individual defined as ‘homeless’ under any provi-  
12 sion of section 103 is eligible for any program or  
13 program component under this Act;

14 “(2) ensure that homeless populations proposed  
15 to be served by the applicant, and proposed program  
16 components or housing or service models, are not  
17 awarded different priority, points, or weight; and

18 “(3) ensure that scoring is based primarily on  
19 the extent to which the applicant demonstrates that  
20 the project and program components—

21 “(A) would meet the priorities identified in  
22 the plan submitted under section 427(b)(1)(B);  
23 and

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

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

3           (7) in section 425(c) (42 U.S.C. 11385(c)), by  
4 striking “and (G) providing” and inserting “(G) pro-  
5 viding transportation to employment, early care and  
6 education programs, career and technical education  
7 programs, and health and mental health care serv-  
8 ices, and (H) providing”;

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

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

12           “(D) in the case of programs providing  
13 housing or services to families or youth, they  
14 will designate a staff person to be responsible  
15 for ensuring that children and youth being  
16 served in the program are—

17           “(i) enrolled in school and connected  
18 to appropriate services in the community,  
19 including Head Start, services provided  
20 under part C of the Individuals with Dis-  
21 abilities Education Act (20 U.S.C. 1431 et  
22 seq.), programs authorized under the Child  
23 Care and Development Block Grant Act of  
24 1990 (42 U.S.C. 9858 et seq.), career and  
25 technical education, and services provided

1 by local educational agency liaisons des-  
2 ignated under subtitle B of title VII of this  
3 Act; and

4 “(ii) in the case of an unaccompanied  
5 youth, as defined in section 725, informed  
6 of their status as an independent student  
7 under section 480 of the Higher Education  
8 Act of 1965 (20 U.S.C. 1087vv) and re-  
9 ceive verification of such status for pur-  
10 poses of the Free Application for Federal  
11 Student Aid described in section 483 of  
12 such Act (20 U.S.C. 1090); and”;

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

17 (C) in paragraph (7)—

18 (i) by inserting “and youth” after  
19 “needs of children”;

20 (ii) by inserting “or unaccompanied  
21 youth” after “when families”;

22 (iii) by inserting “and unaccompanied  
23 youth” after “with children”; and

24 (iv) by striking “such children’s” and  
25 inserting “such children and youth’s”;

1 (9) in section 427(b) (42 U.S.C. 11386a(b))—  
2 (A) in paragraph (1)—  
3 (i) in subparagraph (A)—  
4 (I) in clause (vi), by adding  
5 “and” at the end;  
6 (II) in clause (vii), by striking  
7 “and” at the end; and  
8 (III) by striking clause (viii);  
9 (ii) in subparagraph (B)—  
10 (I) by amending clause (iii) to  
11 read as follows:  
12 “(iii) how the recipient will collaborate  
13 with local educational agencies, early care  
14 and education programs, and institutions  
15 of higher education to assist in the identi-  
16 fication of and services to youth and fami-  
17 lies who become or remain homeless, in-  
18 cluding the steps the recipient will take to  
19 inform youth and families of their eligi-  
20 bility for services under part B of subtitle  
21 VII of this Act, the Head Start Act (42  
22 U.S.C. 9831 et seq.), the Child Care and  
23 Development Block Grant Act of 1990 (42  
24 U.S.C. 9858 et seq.), and the Higher Edu-

1 cation Act of 1965 (20 U.S.C. 1001 et  
2 seq.);” and

3 (II) by striking clause (v) and in-  
4 serting the following:

5 “(v) how the recipient will ensure the  
6 full implementation of the certifications  
7 and agreements described in paragraphs  
8 (4)(D) and (7) of section 426(b);”;

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

11 (iv) by striking subparagraphs (F)  
12 and (G) and inserting the following:

13 “(F) for communities that establish and  
14 operate a centralized or coordinated assessment  
15 system, the extent to which that system—

16 “(i) ensures that individuals who are  
17 most in need of assistance receive it in a  
18 timely manner;

19 “(ii) in assessing need under clause  
20 (i), uses separate, specific, age-appropriate  
21 criteria for assessing the safety and needs  
22 of children under 5 years of age, school-  
23 age children, unaccompanied youth and  
24 young adults between 14 and 24 years of  
25 age, and families that are unrelated to the

1 criteria through which an individual quali-  
2 fies as ‘homeless’ under section 103;

3 “(iii) is accessible to unaccompanied  
4 youth and homeless families;

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

7 “(v) includes affordable housing devel-  
8 opers, youth service providers, early child-  
9 hood programs, local educational agencies,  
10 and mental health organizations; and

11 “(G) such other factors as the Secretary  
12 determines to be appropriate to carry out this  
13 subtitle in an effective and efficient manner, ex-  
14 cept that such factors may not have the effect  
15 of prioritizing or weighting, unless justified by  
16 local data or information contained in a plan  
17 submitted under subparagraph (B)—

18 “(i) any service with respect to a spe-  
19 cific subpopulation of homeless individuals  
20 over another; or

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

23 (B) by amending paragraph (3) to read as  
24 follows:

1           “(3) HOMELESSNESS COUNTS.—The Secretary  
2 shall require that communities that conduct an an-  
3 nual count of homeless people shall count all home-  
4 less individuals identified and reported by any pro-  
5 gram funded under any provision of this Act or any  
6 other Federal statute.”;

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

8           (A) in subsection (a)(1)—

9           (i) by striking “disabilities and” and  
10 inserting “disabilities,”; and

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

14           (B) in subsection (d)—

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

17           (ii) by striking paragraphs (2) and (3)  
18 and inserting the following:

19           “(2) PROHIBITION.—The Secretary shall not  
20 provide bonuses or other incentives under paragraph  
21 (1) that have the effect of prioritizing or weighting,  
22 unless justified by local data or information con-  
23 tained in a plan submitted under section  
24 427(b)(1)(B)—

1           “(A) any service with respect to a specific  
2           subpopulation of homeless individuals over an-  
3           other; or

4           “(B) any program component or housing  
5           or service model over another.

6           “(3) RULE OF CONSTRUCTION.—For purposes  
7           of this subsection, activities that have been proven to  
8           be effective at reducing homelessness generally or re-  
9           ducing homelessness for a specific subpopulation in-  
10          clude any activity determined by the Secretary, after  
11          providing notice and an opportunity for public com-  
12          ment, to have been proven effective at—

13                  “(A) reducing homelessness generally;

14                  “(B) reducing homelessness for a specific  
15                  subpopulation;

16                  “(C) reducing homelessness in a commu-  
17                  nity for populations overrepresented in any  
18                  counts conducted in that community under sec-  
19                  tion 427(b)(3); or

20                  “(D) achieving homeless prevention, reduc-  
21                  ing recidivism, and promoting self-sufficiency  
22                  and independent living.

23           “(4) ENCOURAGING LOCAL SUCCESS AND INNO-  
24           VATION.—In providing bonuses or incentives under  
25           paragraph (1), the Secretary shall seek to encourage

1 the implementation of proven strategies and innova-  
2 tion in reducing homelessness among the local pri-  
3 ority populations identified in the plan submitted by  
4 an applicant under section 427(b)(1)(B). The Sec-  
5 retary shall not implement bonuses or incentives  
6 that promote a national priority established by the  
7 Secretary.”; and

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

9 (11) by amending section 434 (42 U.S.C.  
10 11388) to read as follows:

11 **“SEC. 434. REPORTS TO CONGRESS.**

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

14 “(1) summarize the activities carried out under  
15 this subtitle and set forth the findings, conclusions,  
16 and recommendations of the Secretary as a result of  
17 the activities;

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

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

22 “(B) data on programs funded under any  
23 other Federal statute; and

24 “(3) provide information on—

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

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

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

9           (b) TECHNICAL AND CONFORMING AMENDMENT.—  
10          The table of contents in section 101(b) of the McKinney-  
11          Vento Homeless Assistance Act (42 U.S.C. 11301 note)  
12          is amended by inserting after the item relating to section  
13          408 the following:

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

○