

## MCKINNEY-VENTO REAUTHORIZATION BILLS

McKinney-Vento = Current Legislation/NOFA

CPEHA = Community Partnership to End Homelessness Act (Reed, Senate, SB 1801)

HEARTH = Homeless Emergency Assistance and Rapid Transition to Housing Act (Carson, House, HR 840)

### TOPIC 1: WHO IS CONSIDERED HOMELESS

3 = this language is in the legislation.

ι = this language is not in the legislation, but a person living in the situation described has been considered eligible for assistance under current law.

|   | McKinney-Vento | CPEHA | HEARTH  |
|---|----------------|-------|---|
| An individual who lacks a fixed, regular, and adequate nighttime residence  | 3              | 3     | 3   |
| An individual who lacks a fixed, regular, and adequate nighttime residence, including someone who is sharing the housing of other persons due to a loss of housing, economic hardship or similar reason   |                |       | 3   |
| An individual who has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters and transitional housing for the mentally ill) | 3              | 3     | “is living in an emergency or transitional shelter” |
| An individual who has a primary nighttime residence that is an institution that provides a temporary residence for individuals intended to be institutionalized (see below)   | 3              | 3     | 3   |
| An individual who has a primary nighttime residence that is a public or private place not designed for, or ordinarily used as a regular sleeping accommodation for human beings.  | 3              | 3     | 3   |
| An individual who lacks a fixed, regular, and adequate nighttime residence, including someone who is living in a motel, hotel, or camping ground due to the lack of alternative adequate accommodations   | ι              | ι     | 3   |
| An individual who lacks a fixed, regular, and adequate nighttime residence, including   | ι              | ι     | 3   |

|  |   |   |   |
|--|---|---|---|
| someone who is living in a car, park, public space, abandoned building, substandard housing, bus or train station or similar setting.  |   |   |   |
| Does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.  | 3 | 3 |   |
| Does not include any individual imprisoned <del>or otherwise detained</del> pursuant to an Act of the Congress or a State law. <u>Such term includes individuals who have been released from prison on parole.</u>   |   |   | 3 |
| <p>Commentary: “The Devil’s in the Details”</p> <p>Under the McKinney-Vento definition, above, HUD considers people to be homeless if they come from the following locations. People reviewing the proposed legislation may wish to comment on the importance of any of these categories being included in the statute or regulations (which HUD will write).</p> <ol style="list-style-type: none"> <li>1. places not meant for human habitation, such as cars, parks, sidewalks, and abandoned buildings;</li> <li>2. an emergency shelter; or</li> <li>3. transitional housing for homeless persons and who originally came from the streets or emergency shelter.</li> </ol> <p>If a person is in one of the three categories listed above, but most recently spent less than 30 days in a jail or institution, he/she qualifies as coming from one of these three categories.</p> <p>In addition to the above three categories, projects providing Transitional Housing, Safe Havens (non-PH), or Supportive Services Only may also serve populations meeting the following:</p> <ul style="list-style-type: none"> <li>• Is being evicted within a week from a private dwelling unit and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing.</li> <li>• Is being discharged within a week from an institution, such as a mental health or substance abuse treatment facility or a jail/prison, in which the person has been a resident for more than 30 consecutive days and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing.</li> <li>• Is fleeing a domestic violence housing situation and no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing.</li> <li>• Has been incarcerated, but only if upon discharge the person is eligible if no subsequent residence has been identified and the person lacks the resources and support networks needed to obtain housing.</li> </ul> <p>Examples of people who are not homeless currently are those who are:</p> |   |   |   |

- At-risk of being homeless
- Being discharged from an institution which is required to provide or arrange housing upon release.
- Wards of the State, although youth in foster care may receive needed supportive services which supplements, but does not substitute for, the state’s assistance.

## TOPIC 2: ELIGIBLE APPLICANTS

| Current McKinney-Vento Legislation/2006 NOFA <sup>1</sup>  | CPEHA (Reed)  | HEARTH (Carson)  |
|--|---|--|
| <p>SHP</p> <ul style="list-style-type: none"> <li>• States</li> <li>• Units of general local government</li> <li>• Special purpose units of government, e.g. PHAs</li> <li>• Private nonprofit organizations</li> <li>• Community Mental Health Centers that are public nonprofit organizations</li> </ul> <p>S+C</p> <ul style="list-style-type: none"> <li>• States</li> <li>• Units of general local government</li> <li>• PHAs</li> </ul> <p>Section 8 SRO</p> <ul style="list-style-type: none"> <li>• PHAs</li> <li>• Private nonprofit organizations</li> </ul> | <p>A Collaborative Applicant</p> <ul style="list-style-type: none"> <li>• a representative community homeless assistance planning body;</li> <li>• which serves as the applicant for project sponsors who jointly submit a single application for a grant under the Homeless Assistance Program, in accordance with a collaborative process; and</li> <li>• if the CA is a legal entity and is awarded such grant, the CA may receive such grant directly from Secretary</li> </ul> | <p>Legal entities who are either:</p> <ul style="list-style-type: none"> <li>• Collaborative applicants (submit a single application on behalf of multiple sponsors); or</li> <li>• A solo applicant (submits a single application with an explanation of why they did not use the Community Homeless Assistance Board process)</li> </ul> |
| <p>What’s the difference? Continua of Care now submit a “consolidated application” in the name of the Continuum of Care (which may or may not be a legal entity). Applicants for the funds, which must be legal entities, are named on the individual project applications. CPEHA permits a non-legal entity to serve as the Collaborative Applicant, although the non-legal entity could not receive the grant funds</p>  |   |  |

<sup>1</sup> The Continuum of Care competition is implemented via NOFA by HUD. The McKinney-Vento statute says only that funds be “competitively awarded.”

| <b>Current McKinney-Vento Legislation/2006 NOFA<sup>1</sup></b>   | <b>CPEHA (Reed)</b> | <b>HEARTH (Carson)</b> |
|---|---------------------|------------------------|
| <p>(presumably they would go directly to the sponsors.) Under the current system and CPEHA Continua of Care have the latitude to have grant funds come directly to many different “applicants” which are legal entities. Under HEARTH the funds must come through a single <i>legal</i> entity which serves as the Collaborative Applicant to project sponsors (with an exception for Solo applicants who have to show they were excluded from the community process to select applicants).</p> |                     |                        |

### TOPIC 3: ELIGIBLE ACTIVITIES: PERMANENT HOUSING

| Current McKinney-Vento Legislation/2006 NOFA   | CPEHA (Reed)   | HEARTH (Carson)  |
|--|--|--|
| <p>SHP:<br/>Permanent housing for disabled persons</p> <ul style="list-style-type: none"> <li>• Acquisition</li> <li>• Rehabilitation</li> <li>• New construction</li> <li>• Leasing</li> <li>• Operating costs</li> <li>• Supportive services</li> </ul> <p>[With per structure/per project grant limits for acquisition, rehabilitation and new construction]</p> <p>S+C: Rental assistance for disabled persons</p> <ul style="list-style-type: none"> <li>• Tenant-based housing</li> <li>• Sponsor-based housing</li> <li>• Project-based housing</li> </ul> <p>SRO-based housing: Rental assistance</p> <ul style="list-style-type: none"> <li>• SRO housing</li> </ul> <p>Eligible participants also limited to those who came from the streets, emergency shelter or transitional housing if they came to transitional housing from the streets or emergency shelter.</p> <p>Samaritan Initiative “Bonus” Funds: permanent housing for chronically homeless people</p> <ul style="list-style-type: none"> <li>• Acquisition</li> <li>• Rehabilitation</li> </ul> | <ul style="list-style-type: none"> <li>• Acquisition</li> <li>• Rehabilitation</li> <li>• New construction</li> <li>• Leasing</li> <li>• Operating costs</li> <li>• Supportive services (no cap; see more below about supportive services)</li> <li>• Rental assistance               <ul style="list-style-type: none"> <li>○ Tenant-based</li> <li>○ Project-based</li> </ul> </li> </ul> <p>Up to 10% of funds nationally would be available for permanent housing for non-disabled, homeless families.</p> <p>Incentives for development of new permanent supportive housing through construction, acquisition and rehabilitation (see Topic 14: Appropriations and Funding Limitations, below), including for chronically homeless people.</p> <p>The bill expands the current definition of “chronically homeless” to include families, if an adult head of household has a disabling condition.</p> | <ul style="list-style-type: none"> <li>• Acquisition</li> <li>• Rehabilitation</li> <li>• New construction</li> <li>• Leasing</li> <li>• Operating costs (for units assisted with grant funds)</li> <li>• Supportive services (no cap; see more below about supportive services)</li> <li>• Rental assistance               <ul style="list-style-type: none"> <li>○ Tenant-based</li> <li>○ Project-based</li> <li>○ Independently-owned based -- e.g. a private landlord’s units</li> </ul> </li> </ul> <p>All funds for permanent housing would be available for permanent housing irrespective of disability, family status or length of homelessness.</p> |

| Current McKinney-Vento Legislation/2006 NOFA  | CPEHA (Reed) | HEARTH (Carson) |
|---|--------------|-----------------|
| <ul style="list-style-type: none"> <li>• New construction</li> <li>• Leasing</li> <li>• Operating costs</li> <li>• Supportive services (in 2006, capped at 20% of grant)</li> <li>• Rental subsidies</li> </ul>   |              |                 |
| <p>What's the difference?</p> <ul style="list-style-type: none"> <li>• Current law limits permanent housing to people with disabilities, except for the Section 8 SRO Moderate Rehab program. CPEHA permits limited funding of permanent housing for non-disabled, homeless families. HEARTH permits all permanent housing to be available to people who are homeless irrespective of disability.</li> <li>• Current NOFA limits permanent housing to people who came from the streets, emergency shelters or transitional housing if they came to transitional housing from the streets or shelters. Neither CPEHA nor HEARTH contain that restriction (but see Topic 1 – Who is Homeless, Comments section).</li> <li>• Current NOFA limits the use of Samaritan Initiative Bonus funds to new permanent supportive housing for people who are chronically homeless (individuals, not families, with disabling conditions who have been homeless for a certain period of time); CPEHA provides incentives for permanent housing for people who are chronically homeless (see Appropriations and Funding Limitations, below); HEARTH permits all permanent housing funding to be available to people who are homeless irrespective of disability, family status or length of homelessness.</li> <li>• Rental assistance currently can be “sponsor-based” – meaning that the assistance is used by the sponsor throughout any of its units. CPEHA recognizes only tenant- and project-based assistance. HEARTH expands the idea of “sponsor”-based to include any independently owned units.</li> <li>• Currently and under CPEHA an applicant could seek operating costs for a project which does not receive other Continuum of Care grant assistance, e.g. for construction; under HEARTH operating costs seem to be available only to projects which receive other Continuum of Care grants.</li> <li>• Current law limits the amount which can be granted per structure for construction, and per project for rehabilitation and/or acquisition of housing to between \$200,000 and \$400,000, depending on whether the project is in a high cost area. Both CPEHA and HEARTH remove that funding ceiling.</li> <li>• In 2006, “bonus” projects could not expend more than 20% of the grant for supportive services; neither CPEHA nor HEARTH limit the level of services funding (although they define supportive services differently – see below).</li> </ul> |              |                 |

## TOPIC 4: ELIGIBLE ACTIVITIES: TRANSITIONAL HOUSING

| Current McKinney-Vento Legislation/2006 NOFA  | CPEHA (Reed)  | HEARTH (Carson)   |
|---|---|---|
| <ul style="list-style-type: none"> <li>• Acquisition</li> <li>• Rehabilitation</li> <li>• New construction</li> <li>• Leasing</li> <li>• Operating costs</li> <li>• Supportive services</li> </ul>  | <ul style="list-style-type: none"> <li>• Acquisition</li> <li>• Rehabilitation</li> <li>• New construction</li> <li>• Leasing</li> <li>• Operating costs</li> <li>• Supportive services (see more below about supportive services)</li> <li>• Rental assistance                             <ul style="list-style-type: none"> <li>○ Tenant-based</li> <li>○ Project-based</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• Acquisition</li> <li>• Rehabilitation</li> <li>• New construction</li> <li>• Leasing</li> <li>• Operating costs (for units assisted with grant funds)</li> <li>• Supportive services (see more below about supportive services)</li> <li>• Rental assistance                             <ul style="list-style-type: none"> <li>○ Tenant-based</li> <li>○ Project-based</li> <li>○ Independently-owned based -- e.g. a private landlord's units</li> </ul> </li> </ul> |
| <ul style="list-style-type: none"> <li>• What's the difference? Both CPEHA and HEARTH permit rental subsidies to be used in transitional housing units. Under CPEHA and HEARTH the rental assistance can be tenant- and project-based. HEARTH also permits the assistance to be “independently-owned” based (e.g. used for units owned by a private landlord.)</li> </ul> |   |   |

## TOPIC 5: SUPPORTIVE SERVICES ONLY PROJECTS

| <b>Current McKinney-Vento Legislation/2006 NOFA</b>  | <b>CPEHA (Reed)</b>  | <b>HEARTH (Carson)</b>   |
|--|--|--|
| <ul style="list-style-type: none"> <li>• Acquisition, rehabilitation, leasing of the building in which to provide the services</li> <li>• Supportive services (see more below about supportive services)</li> <li>• Construction and operations are ineligible activities</li> </ul> | <ul style="list-style-type: none"> <li>• Acquisition, rehabilitation, leasing of the building in which to provide the services</li> <li>• Supportive services (see more below about supportive services)</li> <li>• Construction and operations are ineligible activities</li> </ul> | <ul style="list-style-type: none"> <li>• Acquisition, rehabilitation, leasing of the building in which to provide the services</li> <li>• Supportive services (see more below about supportive services)</li> <li>• Construction and operations are ineligible activities</li> </ul> |
| <p>What's the difference? None as applies to the building where supportive services will be provided. See below for differences in eligible Supportive Services.</p>   |  |  |

## TOPIC 6: SUPPORTIVE SERVICES

| <b>Current McKinney-Vento Legislation/2006 NOFA</b>  | <b>CPEHA (Reed)</b>  | <b>HEARTH (Carson)</b>  |
|--|--|---|
| Broad range of supportive services are eligible for funding; NOFA restrictions and scoring factors discourage or limit funding of supportive services. | UNTIL the end of the 3 <sup>rd</sup> fiscal year after enactment of Act, the following supportive services would be allowed:   | No time or circumstances limitation on eligibility for supportive services activities |
|  | Child care services program  | Same as CPEHA   |
|  | Employment assistance program, including providing job training  | Same as CPEHA   |
|  | Outpatient health services, food and case management   | Same as CPEHA   |
|  | Assistance in obtaining permanent housing, employment counseling and nutritional counseling  | Same as CPEHA   |
|  | Outreach services, advocacy, life skills training and housing search and counseling services   | Same as CPEHA   |
|  | [Not in bill]  | Mental health services, trauma counseling and victim services                         |
|  | Assistance in obtaining federal, state and local assistance available for residents of supportive housing (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment) | Same as CPEHA   |
| Legal services for purposes including requesting reconsiderations and appeals of veterans and public benefit claim denials and                         | Same as CPEHA  |   |

| Current McKinney-Vento Legislation/2006 NOFA  | CPEHA (Reed)   | HEARTH (Carson)   |
|---|--|---|
|   | resolving outstanding warrants that interfere with an individual's ability to obtain and retain housing  |   |
|   | Transportation services that facilitate an individual's ability to obtain and maintain employment  | Same as CPEHA   |
|   | Income assistance  | Same as CPEHA   |
|   | Health care  | Same as CPEHA   |
|   | Other supportive services necessary to obtain and maintain housing   | Same as CPEHA   |
|   | <p>If in any year after the 3<sup>rd</sup> year, the determination is made that there is adequate federal funding outside of the Homeless Assistance Program to fund certain supportive services, then only the following supportive services activities would be eligible under the Homeless Assistance Program:</p> <ul style="list-style-type: none"> <li>• Job training,</li> <li>• Case management,</li> <li>• Outreach services,</li> <li>• Life skills training,</li> <li>• Housing counseling services, and</li> <li>• other services deemed necessary to be directly relevant to allowing homeless persons to access and retain housing.</li> </ul> | No time or circumstances limitation on eligibility for supportive services activities |
| <p>What's the difference? Funding for a breadth of supportive services is the most secure under HEARTH; under CPEHA eligible services may become ineligible if it is determined that there is adequate federal funding outside of the Homeless Assistance Program to fund certain supportive services</p> |  |   |

## TOPIC 7: PREVENTION

| Current McKinney-Vento Legislation/2006 NOFA | CPEHA (Reed)  | HEARTH (Carson)  |
|--|---|--|
| Prevention activities are ineligible.        | Collaborative Applicants could use up to 5% of funds available for prevention activities.   | Up to 3% of the amounts allocated can be used for prevention activities.     |
|  | Financial assistance to those who have received eviction notices, foreclosure notices (codifies this) , or notices of utility services if: (1) the inability to pay is the result of a “sudden reduction in income” and (2) the assistance is “necessary” to avoid the eviction/termination, and (3) the beneficiaries are able to resume payments in a reasonable period of time.  | Same as CPEHA  |
|  | Carrying out relocation activities (including providing security or utility deposits, rental assistance for a final month or residence at a location, assistance with moving costs, or rental assistance for not more than 3 months) for moving into transitional or permanent housing individuals and families who: <ul style="list-style-type: none"> <li>• Lack housing</li> <li>• Are being discharged from a publicly funded facility or institution, such as a health care or treatment facility or institution, child welfare or youth facility, or juvenile or adult correctional institution, or are being terminated from services provided by such facility or institution; and</li> <li>• Have plans, developed collaboratively by</li> </ul> | Same as CPEHA except rental assistance can be provided for up to six months. |

| Current McKinney-Vento Legislation/2006 NOFA   | CPEHA (Reed)   | HEARTH (Carson)  |
|--|--|--|
|  | the public entities involved and the individuals and families, for securing or maintaining housing after any funding provided is used.   |  |
|  | Providing family support services that promote reunification of <ul style="list-style-type: none"> <li>• Youth experiencing homelessness, with their families and</li> <li>• Children or youth involved with the child welfare or juvenile justice systems, with their parents or guardians</li> </ul> | Same as CPEHA  |
|  |  | Carrying out relocation activities and providing victim services and other supportive services to individuals who are victims of domestic violence, dating violence, sexual assault or stalking and are in danger of becoming homeless because of the violence or abuse. |
| <p>What's the difference?</p> <ul style="list-style-type: none"> <li>• Both CPEHA and HEARTH permit funding prevention activities. HEARTH recognizes one additional prevention activity for victim services and relocation of victims.</li> <li>• CPEHA permits up to a 5% allocation of the funds expected by each Collaborative Applicant; HEARTH permits up to 3% of funds allocated by Congress.</li> <li>• HEARTH permits rental assistance to be provided for up to six months versus three months under CPEHA.</li> </ul> |  |  |

## TOPIC 8: HOMELESS MANAGEMENT INFORMATION SYSTEM

| <b>Current McKinney-Vento Legislation/2006 NOFA</b>   | <b>CPEHA (Reed)</b>   | <b>HEARTH (Carson)</b>  |
|---|---|---|
| <ul style="list-style-type: none"> <li>• An eligible activity for SHP funding</li> <li>• Participation in the CoC's HMIS is mandatory for all grant recipients</li> <li>• All CoC are required to have an HMIS</li> </ul> | <ul style="list-style-type: none"> <li>• An eligible activity for funding</li> <li>• Participation in the CoC's HMIS is mandatory for all grant recipients</li> <li>• All CoC are required to have an HMIS</li> </ul> | <ul style="list-style-type: none"> <li>• Not an eligible activity for funding</li> <li>• Participation is mentioned in the legislation except that victim service providers that receive grants are to be instructed by HUD not to disclose any personally identifying information about any client to the HMIS. After public comment, HUD may require non-personally identifiable information which has been de-identified to HMIS.</li> </ul> |

## TOPIC 9: MATCH

| <b>Current McKinney-Vento Legislation/2006 NOFA</b>   | <b>CPEHA (Reed)</b>  | <b>HEARTH (Carson)</b>             |
|---|--|------------------------------------|
| <p>Match requirements differ depending on the activity:</p> <p>SHP-Construction, rehabilitation, acquisition: 1:1 cash match<br/>           SHP-Leasing: no match<br/>           SHP-Supportive services: 20% cash match<br/>           SHP – Operations: 25% cash match<br/>           SHP-Administration: no match<br/>           S+C – 1:1 supportive services match (cash or in-kind)</p> | <p>25% cash match</p> <ul style="list-style-type: none"> <li>• Except: No cash match required for operations costs of renewal permanent housing projects that:               <ul style="list-style-type: none"> <li>○ house individuals or families whose incomes are 50% or less of AMI in geographic area</li> <li>○ receive no Federal or State funds from a source other than the Homeless Assistance Program</li> </ul> </li> </ul> | <p>25% match – cash or in-kind</p> |

## TOPIC 10: BOARDS -- MEMBERSHIP

| Current McKinney-Vento Legislation/2006 NOFA  | CPEHA (Reed)   | HEARTH (Carson)   |
|---|--|---|
| <ul style="list-style-type: none"> <li>• Continuum of Care planning bodies are largely self-selecting and self-governing.</li> <li>• One factor the consolidated application is scored on it whether the CoC has successfully identified and developed partnerships with nonprofit organizations (including those representing persons with disabilities), government agencies, public housing agencies, faith-based and other community-based organizations, other homeless service providers, housing developers and service providers, private businesses and business associations, law enforcement agencies, funding providers, and homeless or formerly homeless persons, and that the CoC structure and decision-making processes are inclusive of all of these parties.</li> <li>• Relative power of government vs. non-government stakeholders varies widely.</li> </ul> | <p>Membership in the Collaborative Applicant is dictated; inclusiveness is a scoring factor.</p> <p>Membership:<br/>Each CA must include the following persons:</p> <ul style="list-style-type: none"> <li>• At least 2 persons who are experiencing or have experienced homelessness,</li> <li>• Persons who act as advocates for the diverse subpopulations of persons experiencing homelessness, persons or representatives of organizations who provide assistance to the variety of individuals and families experiencing homelessness,</li> <li>• Relatives of individuals experiencing homelessness,</li> <li>• Government agency officials, particularly those that are responsible for administering funding under programs targeted for persons experiencing homelessness, and other programs for which persons experiencing homelessness are eligible, including mainstream programs identified in 2 previously cited GAO reports,</li> <li>• 1 or more local educational agency liaisons or their designees,</li> <li>• members of the business community,</li> <li>• members of neighborhood advocacy organizations,</li> </ul> | <p>Membership in the Collaborative Applicant is dictated; inclusiveness is a scoring factor.</p> <ul style="list-style-type: none"> <li>• Not less than 51% of whom are:             <ul style="list-style-type: none"> <li>○ Persons who are experiencing or have experienced homelessness (at least 2)</li> <li>○ Persons who act as advocates for the diverse subpopulations of persons experiencing homelessness including for homeless veterans, the mentally ill, persons with physical disabilities, youth, victims of domestic violence and underserved populations</li> <li>○ Representatives of homeless services/housing providers, including those who have been awarded funds through Federal Government programs targeted to persons experiencing homelessness</li> <li>○ Representatives of local educational agencies</li> </ul> </li> <li>• The remainder of whom are selected from among:             <ul style="list-style-type: none"> <li>○ Government officials, particularly those responsible for administering funding under programs targeted for persons experiencing homelessness and other programs for which homeless people are eligible, including law enforcement</li> </ul> </li> </ul> |

| <b>Current McKinney-Vento Legislation/2006 NOFA</b> | <b>CPEHA (Reed)</b>   | <b>HEARTH (Carson)</b>   |
|---|---|--|
|   | <ul style="list-style-type: none"> <li>• members of philanthropic organizations that contribute to preventing and ending homelessness in the geographic area of the collaborative applicant.</li> </ul> <p>The representatives of groups described above should rotate.</p> | <p>responsible for persons on parole or probation,</p> <ul style="list-style-type: none"> <li>○ Business community</li> <li>○ Members of religious community or faith-based organizations;</li> <li>○ Members of neighborhood advocacy organizations; and</li> <li>○ Representatives within the geographic areas of the Department of Veterans Affairs and the Social Security Administration</li> </ul> |

## TOPIC 11: BOARDS: DUTIES, REPORTS AND COLLABORATIVE APPLICATION

| <b>Current McKinney-Vento Legislation/2006 NOFA</b>   | <b>CPEHA (Reed)</b>   | <b>HEARTH (Carson)</b>  |
|---|---|---|
| <p>The Continuum of Care reports data, strategic goals and other information to HUD via the Consolidated Application (aka Exhibit 1) to establish that:</p> <ol style="list-style-type: none"> <li>1. The CoC has successfully identified and developed partnerships with other stakeholders and that the CoC structure and decision-making processes are inclusive of all of these parties. Also, other jurisdictional ten-year plans within the CoC’s geographic area must be integrated with the CoC plan;</li> <li>2. The CoC has created, maintained, and built upon a community-wide inventory of housing and services for homeless families and individuals (both HUD and non-HUD funded); identified the full spectrum of needs of homeless families and individuals; and coordinated efforts to fill gaps between the current inventory and existing needs. This coordinated effort must appropriately address all aspects of the continuum, especially permanent housing;</li> <li>3. The CoC has instituted a CoC-wide strategy to achieve the CoC’s goals, especially to end chronic homelessness. This can be accomplished through careful planning, coordination with other state and local plans, and through</li> </ol> | <p>Collaborative applicants are required to provide data, strategic goals and other information annually in the application for funding</p> <p>Collaborative applicants also are charged with:</p> <p>Monitoring and providing annual performance reports to HUD</p> <p>Assessing local policies and practices and providing an Assessment of Relevant Policies and Practices, and Needed Corrective Actions to End and Prevent Homelessness” every three years to HUD</p> <p>These details of these responsibilities can be found on Attachment A to this document</p> | <p>Community Homeless Assistance Boards are required to provide data, strategic goals and other information annually in the application for funding</p> <p>Collaborative applicants also are charged with:</p> <p>Monitoring and providing annual performance reports to HUD</p> <p>Assessing local policies and practices and providing an Assessment of Relevant Policies and Practices, and Needed Corrective Actions to End and Prevent Homelessness” every three years to HUD</p> <p>These details of these responsibilities can be found on Attachment A to this document</p> |

| <b>Current McKinney-Vento Legislation/2006 NOFA</b>  | <b>CPEHA (Reed)</b> | <b>HEARTH (Carson)</b> |
|--|---------------------|------------------------|
| <p>leveraging resources from multiple sources; and</p> <p>4. The CoC is working toward the HUD/national performance objectives, the CoC is reporting on progress toward the CoC's goals, and it is coordinating homeless assistance with mainstream health, social services, and employment programs.</p> <p>Project grantees prepare and submit Annual Progress Reports to HUD</p> <p>Many Continua of Care review the APR in making project ranking decisions during the funding competition</p> |                     |                        |
| <p>What's the difference?<br/> The CPEHA and HEARTH bills require the Collaborative Applicant/Community Homeless Assistance Board to assume significant, specific additional responsibilities than required of them under current law. (See the section on Administrative Fees, below, concerning any additional financial support for this work.)</p>   |                     |                        |

## TOPIC 12: ADMINISTRATIVE FEES

| <b>Current McKinney-Vento Legislation/2006 NOFA</b>   | <b>CPEHA (Reed)</b>  | <b>HEARTH (Carson)</b>  |
|---|--|---|
| <p>SHP: Up to 5% with at least half to nonprofit sponsors.</p> <p>S+C: Up to 6% (administrative costs, as well as damage payments and rent increases, can only be covered if the total grant amount exceeds the actual costs of serving the number of people proposed to be served in the S+C application)</p> <p>Administrative costs include the costs associated with accounting for the use of grant funds, preparing reports for submission to HUD, obtaining program audits, similar costs related to administering the grant after the award, and staff salaries associated with these administrative costs.</p> | <p>For legal entity Collaborative Applicants which are legal entities, up to 6% of total funds made available through the grant may be used for administrative costs related to planning, administering awards for, monitoring, and evaluating projects, and ensuring compliance with HMIS requirements.</p> <p>Project sponsors receiving funds from the Collaborative Applicant may use up to an additional 5% of grant for such administrative costs as measuring outcomes of the homeless assistance planning process of a CA; effective and timely implementation of projects relative to projected outcomes; and for housing projects, compliance with housing quality and habitability standards.</p> | <p>Up to 6% with at least half to nonprofits to fund management information system functions, application preparation and preparation of annual performance and other evaluation reports.</p> <p>Collaborative Applicant may use its portion for carrying out grant administration and monitoring activities, receipt and disbursement of program funds; preparation of financial and performance reports, including management information system functions and compliance with grant conditions and audit requirements.</p> |
| <p>What's the difference?</p> <ul style="list-style-type: none"> <li>• CPEHA permits a 6% administrative fee to Collaborative Applicants, if they are legal entities to perform their duties to plan, administer, monitor, evaluate, etc.; that is in addition to the 5% administrative fee which project sponsors may use to administer the project. HEARTH permits Collaborative Applicants to receive no more than 3% administrative fee, leaving only 3% for project sponsors.</li> <li>• CPEHA permits the fee to be used for application preparation, which is not permitted under current law.</li> </ul>        |  |   |

## TOPIC 13: EMERGENCY SHELTER GRANTS

| Current McKinney-Vento Legislation/2006 NOFA  | CPEHA (Reed)   | HEARTH (Carson)  |
|---|--|--|
| <p>ESG funds can be used for:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Emergency Shelters:               <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Renovation</li> <li><input checked="" type="checkbox"/> Major rehabilitation</li> <li><input checked="" type="checkbox"/> Conversion of buildings for emergency shelter</li> </ul> </li> <li><input checked="" type="checkbox"/> Essential Services               <ul style="list-style-type: none"> <li>○ Essential services including services concerned with                   <ul style="list-style-type: none"> <li>▪ Employment</li> <li>▪ Health</li> <li>▪ Education</li> <li>▪ family support services for homeless youth</li> <li>▪ substance abuse services</li> <li>▪ victim services</li> <li>▪ mental health services</li> </ul> </li> </ul> </li> </ul> <p>if the services have not been provided by the local government during any part of the immediately preceding 12-month period or HUD determines that the local government is in a severe financial deficit or the use of the assistance would complement the provision of the services</p> <p>Not more than 30% of the grantee's aggregate grant may be expended on</p> | <p>Of the annual allocation for both the ESG and Homeless Assistance Programs, no more than 15% of this could be used for ESG eligible activities</p> <p>Current method for and amounts for allocation of funds to ESG programs remains the same <i>except</i> from the amount allocated for ESG and Continuum of Care programs “HUD shall allocate nationally an amount not exceeding 15%” for emergency shelter program</p> <p>Eligible activities under the ESG Program remains the same except:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> This bill <u>deletes</u> the current restrictions that:               <ul style="list-style-type: none"> <li>○ not more than 30% of the grantee's aggregate grant may be expended on “essential services;” and</li> <li>○ not more than 10% of the amount may be used for the costs of staff who are not maintenance staff and security staff)</li> </ul> </li> <li><input checked="" type="checkbox"/> The statutory definition of essential services is broadened to also include family support services for homeless youth and mental health treatment</li> </ul> | <p>Of the annual allocation for both the ESG and Homeless Assistance Programs, no more than 15% of this could be used for ESG eligible activities</p> <p>Current method for and amounts for allocation of funds to ESG programs remains the same <i>except</i> from the amount allocated for ESG and Continuum of Care programs “HUD shall allocate nationally an amount not exceeding 15%” for emergency shelter program</p> <p>Eligible activities under the ESG Program remains the same except:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> This bill <u>deletes</u> the current restrictions that:               <ul style="list-style-type: none"> <li>○ not more than 30% of the grantee's aggregate grant may be expended on “essential services;” and</li> <li>○ not more than 10% of the amount may be used for the costs of staff who are not maintenance staff and security staff)</li> </ul> </li> <li><input checked="" type="checkbox"/> The statutory definition of essential services is broadened to also include family support services for homeless youth and mental health treatment</li> </ul> |

| <b>Current McKinney-Vento Legislation/2006 NOFA</b>  | <b>CPEHA (Reed)</b>   | <b>HEARTH (Carson)</b>  |
|--|---|---|
| <p>“essential services.”</p> <p><input checked="" type="checkbox"/> Maintenance, operation, insurance, utilities and furnishings</p> <p>Not more than 10% of the amount may be used for the costs of staff who are not maintenance staff and security staff)</p> <p><input checked="" type="checkbox"/> Prevention of homelessness</p> <p>Not more than 30% of the aggregate amount of all assistance to a state or local government may be used for homeless prevention activities.</p> <p>Administrative fees: up to 5% of the grant</p> <p>Match: there is a one to one match requirement</p> | <p><input checked="" type="checkbox"/> Prevention activities are as newly defined for Continuum of Care programs</p> <p><input checked="" type="checkbox"/> The bill deletes the section of current law permitting the recipient to use up to 5% of the ESG grant for administrative purposes.</p> <p>Match: the one to one match requirement stays the same</p> <p>ESG grants are to be made in consultation with Collaborative Applicants</p> | <p><input checked="" type="checkbox"/> Prevention activities are as newly defined for Continuum of Care programs</p> <p>The bill deletes the section of current law permitting the recipient to use up to 5% of the ESG grant for administrative purposes.</p> <p>Match: the one to one match requirement stays the same</p> <p>ESG grants are to be made in consultation with Community Homeless Assistance Boards</p> |
| <p>What’s the difference?</p> <p><input checked="" type="checkbox"/> There is a little more flexibility in how the ESG grant funds can be expended under the CPEHA and HEARTH bills</p> <p><input checked="" type="checkbox"/> There are no administrative fees permitted under the CHPEHA and HEARTH bills</p> <p><input checked="" type="checkbox"/> ESG funds will be allocated in consultation with the community boards</p>   |   |   |

## TOPIC 14: APPROPRIATIONS AND LIMITATIONS ON FUNDING

| Current McKinney-Vento Legislation/2006 NOFA   | CPEHA (Reed)  | HEARTH (Carson)   |
|--|---|---|
| <p><input checked="" type="checkbox"/> President's proposal: \$1.586 billion for FY 2008 (\$25 million transferred to the Department of Labor for a prisoner reentry initiative)</p> <p><i>Priority Given to Chronic Homelessness</i><br/>2006 NOFA sets forth a minimum of 10% of all Homeless Assistance Grants funding (sum of ESG <i>and</i> Continuum of Care grants), to go towards projects serving chronically homeless people. New or renewal projects that are transitional housing, safe havens, or permanent housing that have at least 70% of their clients who are chronically homeless will count towards this minimum of 10%. HUD is mandated to annually award 10% of all Homeless Assistance Grants funding allocation to projects that qualify as ones that serve predominantly (at least 70% of clients) chronically homeless individuals.</p> <p>In the last two Continuum of Care competitions, the Samaritan Initiative could be used only for a project that serves exclusively "chronically homeless" people.</p> <p><i>Priority to Permanent Housing</i></p> | <p><input checked="" type="checkbox"/> \$1.6 billion for FY 2007 as may be necessary for 2008-2011.</p> <p><i>Priority to Permanent Housing for People with Disabilities</i><br/>At least 30% of the total funds made available for both the Homeless Assistance Program and ESG Program shall be used to develop permanent housing for homeless individuals with disabilities and homeless families that include such an individual who is an adult. In calculating the 30%, permanent housing renewals funded through the Homeless Assistance Program will <i>not</i> be considered.</p> <p><i>Priority Given to Create Permanent Housing through Construction, Acquisition or Rehabilitation</i><br/>To promote the creation of new permanent housing units through the <i>construction, or acquisition and rehabilitation, of permanent housing units</i> that are owned by project sponsor or other independent entity in contract with grant recipient or project sponsor, and that would serve:</p> <ul style="list-style-type: none"> <li>• chronically homeless individuals or chronically homeless families, or,</li> </ul> | <p><input checked="" type="checkbox"/> \$2,500,000,000 for fiscal year 2008 and such sums as may be necessary for 2009-2012.</p> <p><input checked="" type="checkbox"/> Of the amount allocated for ESG and Continuum of Care programs (\$2.5 billion in FY 2008), not more than an amount 15% will be allocated for the Emergency Shelter Program</p> <p><input checked="" type="checkbox"/> Of the amount allocated for Continuum of Care programs, up to 3% can be used for prevention activities</p> <p><input checked="" type="checkbox"/> Of the total amount available for all Continuum of Care grants, the amount as may be necessary shall be designated for the purpose of renewing expiring grants (which might impact the funds available to a Continuum of Care to fund "new" projects)</p> |

| Current McKinney-Vento Legislation/2006 NOFA   | CPEHA (Reed)   | HEARTH (Carson) |
|--|--|-----------------|
| <p>Through the last several annual appropriations bills, HUD has been mandated to annually award at least 30% of all Homeless Assistance Grants funding (sum of Emergency Shelter Grants <i>and</i> Continuum of Care grants), <i>but excluding</i> Shelter Plus Care Renewal funds, to permanent housing projects.</p> <p><i>Incentives to Create New Permanent Housing</i></p> <p>This 30% mandate spurred the annual “permanent housing bonus”/”Samaritan Initiative” that HUD has offered CoC’s for each of the last few years. This bonus is <i>additional</i> funding that is made available for a #1 ranked new permanent housing project in each community. The 2005 Samaritan Initiative could be used only for a project that serves exclusively “chronically homeless” people. Per 2005 NOFA, eligible activities included rental assistance, acquisition, new construction, rehabilitation, leasing, operating costs, and for SHP projects only, administration and case management.</p> <p>For the last several years, Shelter Plus Care renewal projects have been annually funded without competition.</p> <p><i>Homeless Families</i></p> <p>At least 25% annual allocation to projects funded through Supportive Housing Program will go to projects serving primarily homeless families.</p> | <ul style="list-style-type: none"> <li>• non-disabled homeless families (homeless families without an adult head of household with a disabling condition).</li> </ul> <p>The location of new permanent housing stock is to be in a mixed-income environment, if practicable.</p> <p>If serving chronically homeless individuals and homeless families, in addition to funds for construction, or acquisition and rehabilitation, the project would receive incentives consisting of:</p> <ul style="list-style-type: none"> <li>• funds for up to 10 years of rental assistance,</li> <li>• bonus amount to carry out these activities, and</li> <li>• technical assistance needed to ensure viability and programmatic effectiveness of project.</li> </ul> <p>For the above bonus, eligible applicants are: Collaborative Applicant, a private non-profit or for-profit organization, a public-private partnership, a Public Housing Authority (PHA), or an instrumentality of State or local government.</p> <p>If serving non-disabled families, in addition to the funds for construction, or acquisition and rehabilitation, the project would receive incentives consisting of:</p> |                 |

| <b>Current McKinney-Vento Legislation/2006 NOFA</b>   | <b>CPEHA (Reed)</b>  | <b>HEARTH (Carson)</b> |
|---|--|------------------------|
| <p><i>Persons with Disabilities</i><br/>At least 25% annual allocation to projects funded through Supportive Housing Program will go to projects serving primarily homeless persons with disabilities. (See also priorities for serving people who are considered “chronically” homeless, above.)</p> <p><i>Supportive Services Only</i><br/>At least 10% annual allocation to projects funded through Supportive Housing Program will go to projects funding supportive services <i>not</i> provided in conjunction with supportive housing.</p> | <ul style="list-style-type: none"> <li>• bonus amount to carry out these activities, and</li> <li>• technical assistance needed to ensure viability and programmatic effectiveness of project.</li> </ul> <p>No more than 10% funds allocated through permanent housing incentive will go to projects serving non-disabled homeless families.</p> <p><i>Additional Incentives for Permanent Housing Renewals</i><br/>Such renewal funds may be made available for 1 year for costs of <i>rental assistance and housing operation</i> costs associated with permanent housing renewal project funded under Homeless Assistance Program, or under the current Supportive Housing or Shelter Plus Care Programs. (Makes no mention of permanent housing renewal projects currently funded under the Section 8 Single Room Occupancy Moderate Rehabilitation Program.)</p> |                        |

Attachment A to Side-By-Side Comparison

**COLLABORATIVE APPLICANT/COMMUNITY BOARD RESPONSIBILITIES**

The Collaborative Applicant (CPEHA) and Community Homeless Assistance Board (HEARTH) are required to do the following (with differences between the two bills noted):

***Overall***

- Design the process to evaluate, review and prioritize projects and grant applications.
- Review policies and practices of relevant public and private agencies. to determine whether they are having a positive or negative impact on a communities homeless population. If needed determine corrective action that should be taken,.
- Review the impact on the communities homeless population of discharge planning and service termination policies and practices of publicly funded and or run, agencies in the areas of health ,child welfare, TANF and corrections. Write an evaluation and recommendations to ensure these are not leading to immediate homelessness.
- Provide estimates of number of people discharged into homelessness.
- Review access and program policies and practices of mainstream programs and the impact on the communities homeless population.
- Review local zoning and status to ensure they are inclusive of special needs and family populations .
- Review the policy and practices to ensure the rights of families and youth are respected regarding school selection and enrollment and that people are placed in emergency and transitional facilities as close as possible to their school of origin.
- [HEARTH] Review and comment on laws ordinances or policies of the State or Local government that penalize homeless people based on their status as homeless and that may result in runaway and homeless youth being adjudicated as delinquent.
- [HEARTH] Review policies and practices that may put at risk of homelessness victims of domestic violence, dating violence, sexual assault and stalking.

\*Once every three (3) years the application to HUD must have an exhibit entitled 'Assessment of Relevant Policies and Practices, and Needed Corrective Actions to End Prevent Homelessness': compiling all of these reviews and findings. Agencies reviewed must be provided copies.

- If the Collaborative Applicant/Community Board is implementing a McKinney program, it must review and monitor itself.

- Ensure everyone implements outcome-based evaluations of their programs to evaluate whether the housing/services result in preventing or ending homelessness.
- Use outcome-based evaluation to assess the Collaborative Applicant's/Community Board's planning process performance in preventing or ending homelessness
- Participate in the Consolidated Plan
- [HEARTH] Create a targeted plan for ensuring housing and services for homeless veterans including programs funded by the VA.
- [CPEHA] Ensure that project sponsors funded under the ESG and Homeless Assistance Programs participate in a Homeless Management Information System.

### ***Concerning Performance Reporting and Monitoring***

The Collaborative Applicant/Community Board must report annually to HUD the following:

- Who received services/housing:
  - Number people receiving prevention assistance
  - Number of people provided shelter, housing or supportive services in total and the number of them who secured permanent housing and how long they stayed, entered transitional and for how long they stayed, obtained or retained jobs, increased their income including through government benefits, transitioned from institutional mental health or substance abuse treatment to a community based program, received educational, vocational, job training or employment assistance services, received additional physical, mental or emotional health care.
  - Number of children 2-4 years old or infants or toddlers with disabilities enrolled in preschool or qualified services.
  - Number of children 5-17 enrolled in school
  - Number of children under 18 who received who received child care, health care or supplemental education services.
  - Number of children reunited with their families
- Estimate number of people who were eligible but did not receive housing or services
- Document achievements in preventing homelessness for people discharged from publicly funded institutions or systems of care.
- Document achievements to coordinate services and programs within the community.
- Document achievements in increasing access to mainstream programs for homeless people

- ☑ Document effectiveness of coordination between programs funded and Consolidated Plan
- ☑ [HEARTH] Document accomplishments to repeal or modify State and Local government practices that penalize status of homelessness, lead to youth being adjudicated as delinquent and that are not inclusive of special needs populations and families or the program that serve them.

### ***The Application for Funding***

The Collaborative Applicant/Community Homeless Assistance Board would include this information in the annual application for funding:

- ☑ Establishment and function of the community board
  - Nomination and selection process for the board, including names and affiliations of all board members
  - All meetings held by the board in preparing the collaborative application including which meetings were public
  - All meetings between board representatives and persons responsible for administering the consolidated plan
  - Documentation of efforts undertaken to ensure the participation of all community organizations providing services to homeless people and of organizations representing underserved communities
- ☑ Outline the range of housing and service programs available to people who are homeless and at-risk and describe the unmet needs that remain regarding
  - Prevention activities including assistance
    - in making mortgage, rent or utility payments or
    - accessing permanent or transitional housing for those discharged from public facilities, programs or systems of care or whose services from such facility, program or system of care are being terminated including discharge from a child welfare or juvenile corrections program
  - Outreach activities to assess needs and conditions of persons experiencing homelessness
  - Emergency shelters including the supportive and referral services the shelters provide
  - Transitional housing with, as appropriate, supportive services
  - Permanent housing
  - Needed supportive services
  - Take into account the findings and recommendations of the annual assessments of the Department of Veterans Affairs medical centers or regional benefits offices whose service areas include the geographic area for which the applicant seeks funding
- Prioritize the projects according to the unmet needs
- Identify funds from private and public sources that will be leveraged

- Identify funds provided by state and local government under programs targeted for homeless people and mainstream programs for which persons experiencing homelessness are eligible
- Explain
  - How the collaborative applicant will meet the housing and service needs of people experiencing homelessness and
  - The strategy of the state and local government and private entities over the next 5 years to prevent and end homelessness including a work plan for the appropriate fiscal years
    - The strategy to prevent homelessness will take the educational needs of children into account when families are placed in emergency or transitional shelter and will to the maximum extent practicable, place families with children as close as possible to their school of origin so as not to disrupt such children's education
- Report on the outcome-based performance of the programs previously funded
- Any relevant required agreements
- Include a certificate of consistency with the Consolidated Plan
- [HEARTH] Include a certification that the local government is not penalizing homeless people through laws, ordinances, or policies based on their status as homeless or by using zoning laws, ordinances, or policies to prevent the siting of facilities designed to serve the homeless or through laws that establish status offenses which may result in runaway and homeless youth being adjudicated as delinquent
- Include a certification that project sponsors will establish policies and practices that are consistent with and do not restrict the exercise of rights related to the provision of educational and related services to individuals experiencing homelessness
- Include a certification in which
  - Relevant public entities involved certify that funds for homelessness prevention will supplement and not supplant other federal, state and local public funds used for homelessness prevention]
  - Publicly funded institutions, facilities and system of care certify that the institutions, facilities and systems of care will take, and fund directly, all reasonable measures to ensure that the institutions, facilities and systems of care do not discharge individuals into homelessness