

---

# NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

---

## The HEARTH Act – An Overview

On May 20, 2009, the President signed into law Public Law 111-22 ("PL 111-22"). PL 111-22 consisted of two divisions. The first division, Division A, was entitled the Helping Families Save Their Homes Act of 2009. The second division, Division B, the "Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009" ("HEARTH Act"), amended McKinney-Vento in a number of ways. The HEARTH Act primarily amends Title IV of McKinney-Vento, makes additional amendments to Titles I and II, and does not amend Titles III, V, or VI.

In the preamble to the HEARTH Act, Congress expressed two specific findings: (1) a lack of affordable housing and limited scale of housing assistance programs are the primary causes of homelessness; and (2) homelessness affects all types of communities in the United States, including rural, urban, and suburban areas.

The HEARTH Act:

- consolidates the separate homeless assistance programs carried out under Title IV of McKinney-Vento (consisting of the supporting housing program and related programs, the safe havens program, the section 8 assistance program for single-room occupancy dwellings, and the shelter plus care program) into a single program with specific eligible activities.
- codifies the continuum of care planning process as a required and integral local function necessary to generate the local strategies for ending homelessness.
- establishes a federal goal of ensuring that individuals and families who become homeless return to permanent housing within 30 days.

The HEARTH Act requires the Secretary of HUD to promulgate regulations governing the operating of the programs that are created or modified not later than 12 months after the date of enactment. HUD will likely issue draft regulations for public comment in January, 2010. Final HUD Regulations will be released no later than May 20, 2010. These regulations go into effect three months after their release or by November 20, 2010, whichever occurs first.

The HEARTH Act expands the definition of "homeless", "homeless individual", and "homeless person." The definition of "homeless" now includes: (1) people who resided in a shelter or place not meant for human habitation and who are exiting an institution where he or she temporarily resided; (2) people who are losing their housing in 14 days and lack support networks or resources to obtain housing, (3) people who have moved from place to place and are likely to continue to do so because of disability or other barriers, and (4) people who are victims of domestic violence and sexual assault.

The Act further defines the mission of the Interagency Council on Homelessness "to coordinate the Federal response to homelessness and to create a national partnership at every level of government and with the private sector to reduce and end homelessness in the nation while maximizing the effectiveness of the Federal government in contributing to the end of homelessness." Second, it broadens membership in the council to include additional federal agencies, and it requires they meet at least quarterly within a year, and that the ICH, with its executive director, develop a 10 year plan for the eradication of Homelessness.

The Emergency Solutions Grants Program, the Continuum of Care Program, and the Rural Housing Stability Assistance Program replace the Comprehensive Homeless Assistance Plan, Emergency Shelter Grants Program, Supportive Housing Program, Safe Havens for Homeless Individuals Demonstration Program, and Shelter Plus Care Program.

The HEARTH Act creates the "Collaborative Applicant." A Collaborative Applicant is the entity within a community that submits a joint application on behalf of all the applicants for funding in the community. The HEARTH Act requires the establishment of a Collaborative Applicant for each geographic area applying for HUD McKinney-Vento funds. Collaborative Applicants do not necessarily have to be legal entities.

The HEARTH Act modifies the existing Emergency Shelter Grants and renames it the Emergency Solutions Grants Program ("ESG"). The basic idea behind the ESG is to fund, in addition to traditional shelter and outreach activities, more prevention, rapid re-housing, and emergency shelter activities. Family support services for homeless youth, victim services, and mental health services are added to the list of eligible services that can be provided in shelters or as part of street outreach. It also expands homelessness prevention activities to include homelessness prevention and rehousing activities—short or medium term housing assistance, housing relocation or stabilization services, housing search, mediation or outreach to property owners, legal services, credit repair, security or utility deposits, utility payments, and assistance with moving costs—for people who are homeless or at risk of homelessness.

Under the HEARTH Act, the Shelter Plus Care, Supportive Housing Program, and Moderate Rehabilitation/Single Room Occupancy Programs were consolidated into the Continuum of Care Program. The Continuum of Care Program added 12 eligible categories which includes the following activities: housing search mediation or outreach to property owners; credit repair; provision of security or utility deposits; rental assistance for a final month at a location; assistance with moving costs; and/or other activities that help homeless individuals move immediately into housing or would benefit individuals who have moved into permanent housing in the last 6 months.

The HEARTH ACT (Section 1401) provides for rural continuums in localities that have no metropolitan statistical areas, or that have only rural counties within metropolitan statistical areas. A Continuum of Care will also be considered rural if there is a mix of rural and urban areas. Continuums or projects that are entirely rural or are in a rural state are subject to a more simplified set of criteria than projects under the Continuum of Care Program for metropolitan areas. The Act (Section 1402) provides that the Comptroller General of the United States will conduct a study to examine homelessness and homelessness assistance in rural areas and rural communities.

For more information about the HEARTH Act, contact Policy Director Jason Small at [jsmall@nlchp.org](mailto:jsmall@nlchp.org) or by calling 202-638-2535.