

116TH CONGRESS
2D SESSION

S. 3856

To authorize emergency homeless assistance grants under the Emergency Solutions Grants program of the Department of Housing and Urban Development for response to the public health emergency relating to COVID–19, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 1, 2020

Ms. WARREN (for herself, Ms. HIRONO, Mrs. GILLIBRAND, Mr. WYDEN, Mr. SANDERS, Mr. VAN HOLLEN, Mr. DURBIN, Mr. MERKLEY, Mr. BROWN, Mr. BLUMENTHAL, Mr. MARKEY, Mr. SCHATZ, Mr. CARDIN, Ms. KLOBUCHAR, Ms. SMITH, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To authorize emergency homeless assistance grants under the Emergency Solutions Grants program of the Department of Housing and Urban Development for response to the public health emergency relating to COVID–19, and for other purposes.

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 “Public Health Emer-
5 gency Shelter Act of 2020”.

1 **SEC. 2. EMERGENCY HOMELESS ASSISTANCE.**

2 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There is
3 authorized to be appropriated under the Emergency Solu-
4 tions Grants program under subtitle B of title IV of the
5 McKinney-Vento Homeless Assistance Act (42 U.S.C.
6 11371 et seq.) \$11,500,000,000 for grants under such
7 subtitle in accordance with this section to respond to needs
8 arising from the public health emergency relating to the
9 Coronavirus Disease 2019 (COVID–19).

10 (b) **FORMULA.**—Notwithstanding sections 413 and
11 414 of the McKinney-Vento Homeless Assistance Act (42
12 U.S.C. 11372a, 11373), the Secretary of Housing and
13 Urban Development (in this Act referred to as the “Sec-
14 retary”) shall allocate amounts made available pursuant
15 to subsection (a) in accordance with a formula to be estab-
16 lished by the Secretary that takes into consideration the
17 following factors:

18 (1) Risk of transmission of COVID–19 in a ju-
19 risdiction.

20 (2) Whether a jurisdiction has a high number
21 or rate of sheltered and unsheltered homeless indi-
22 viduals and families.

23 (3) Economic and housing market conditions in
24 a jurisdiction.

25 (c) **ELIGIBLE ACTIVITIES.**—

1 (1) IN GENERAL.—In addition to eligible activi-
2 ties under section 415(a) of the McKinney-Vento
3 Homeless Assistance Act (42 U.S.C. 11374(a)),
4 amounts made available pursuant to subsection (a)
5 of this section may also be used for the costs of the
6 following activities:

7 (A) Providing training on infectious dis-
8 ease prevention and mitigation.

9 (B) Providing hazard pay, including for
10 time worked before the date of enactment of
11 this Act, for staff working directly to prevent
12 and mitigate the spread of COVID–19 among
13 people experiencing or at risk of homelessness.

14 (C) Reimbursement of costs for eligible ac-
15 tivities (including activities described in this
16 paragraph) relating to preventing, preparing
17 for, or responding to COVID–19 that were ac-
18 crued before the date of enactment of this Act.

19 (2) USE OF AMOUNTS.—The use of amounts
20 made available pursuant to subsection (a) for activi-
21 ties described in paragraph (1) shall not be consid-
22 ered use for administrative purposes for purposes of
23 section 418 of the McKinney-Vento Homeless Assist-
24 ance Act (42 U.S.C. 11378).

1 (d) INAPPLICABILITY OF PROCUREMENT STAND-
2 ARDS.—To the extent amounts made available pursuant
3 to subsection (a) are used to procure goods and services
4 relating to activities to prevent, prepare for, or respond
5 to COVID–19, the standards and requirements regarding
6 procurement that are otherwise applicable shall not apply.

7 (e) INAPPLICABILITY OF HABITABILITY AND ENVI-
8 RONMENTAL REVIEW STANDARDS.—Any Federal stand-
9 ards and requirements regarding habitability and environ-
10 mental review shall not apply with respect to any emer-
11 gency shelter that—

12 (1) is assisted with amounts made available
13 pursuant to subsection (a); and

14 (2) has been determined by a State or local
15 health official, in accordance with such requirements
16 as the Secretary shall establish, to be necessary to
17 prevent and mitigate the spread of COVID–19.

18 (f) INAPPLICABILITY OF CAP ON EMERGENCY SHEL-
19 TER ACTIVITIES.—Section 415(b) of the McKinney-Vento
20 Homeless Assistance Act (42 U.S.C. 11374(b)) shall not
21 apply to any amounts made available pursuant to sub-
22 section (a) of this section.

23 (g) INITIAL ALLOCATION OF ASSISTANCE.—With re-
24 spect to amounts made available pursuant to subsection
25 (a), section 417(b) of the McKinney-Vento Homeless As-

1 sistance Act (42 U.S.C. 11376(b)) shall be applied by sub-
2 stituting “30-day” for “60-day”.

3 (h) WAIVERS AND ALTERNATIVE REQUIREMENTS.—

4 (1) AUTHORITY.—In administering amounts
5 made available pursuant to subsection (a), the Sec-
6 retary may waive, or specify alternative require-
7 ments for, any provision of any statute or regulation
8 (except for any requirements related to fair housing,
9 nondiscrimination, labor standards, and the environ-
10 ment) that the Secretary administers in connection
11 with the obligation or use by the recipient of such
12 amounts, if the Secretary finds that good cause ex-
13 ists for the waiver or alternative requirement and
14 such waiver or alternative requirement is consistent
15 with the purposes described in this subsection.

16 (2) EFFECTIVENESS; APPLICABILITY.—Any
17 waiver or alternative requirement described in para-
18 graph (1) shall—

19 (A) be deemed to be effective as of the
20 date on which a State or unit of local govern-
21 ment began preparing for COVID–19; and

22 (B) apply to the use of amounts made
23 available pursuant to subsection (a) and
24 amounts provided in prior appropriation Acts
25 for fiscal year 2020 under the heading “Depart-

1 ment of Housing and Urban Development—
2 Community Planning and Development—Com-
3 munity Development Fund” and used by recipi-
4 ents for the purposes described in this sub-
5 section.

6 (3) NOTIFICATION.—The Secretary shall notify
7 the public through the Federal Register or other ap-
8 propriate means not later than 5 days before the ef-
9 fective date of any waiver or alternative requirement
10 under paragraph (1), and any such public notice
11 may be provided on the internet at the appropriate
12 government website or through other electronic
13 media, as determined by the Secretary.

14 (4) EXEMPTION.—The use of amounts made
15 available pursuant to subsection (a) shall not be sub-
16 ject to the consultation, citizen participation, or
17 match requirements that otherwise apply to the
18 Emergency Solutions Grants program under subtitle
19 B of title IV of the McKinney-Vento Homeless As-
20 sistance Act (42 U.S.C. 11371 et seq.), except that
21 a recipient shall, at a minimum, publish how the re-
22 cipient has and will utilize its allocation on the inter-
23 net at the appropriate government website or
24 through other electronic media.

1 (i) INAPPLICABILITY OF MATCHING REQUIRE-
2 MENT.—Section 416(a) of the McKinney-Vento Homeless
3 Assistance Act (42 U.S.C. 11375(a)) shall not apply to
4 any amounts made available pursuant to subsection (a)
5 of this section.

6 (j) PROHIBITION ON PREREQUISITES.—None of the
7 funds authorized under this section may be used to require
8 people experiencing homelessness to receive treatment or
9 perform any other prerequisite activities as a condition for
10 receiving shelter, housing, or other services.

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