

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.

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## 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

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## 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 sistence 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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