

114TH CONGRESS
2D SESSION

S. 2668

To provide housing opportunities for individuals living with HIV or AIDS.

IN THE SENATE OF THE UNITED STATES

MARCH 10, 2016

Ms. COLLINS (for herself, Mr. REED, Mr. KIRK, Mr. DURBIN, and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To provide housing opportunities for individuals living with
HIV or AIDS.

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. FORMULA AND TERMS FOR ALLOCATIONS TO**
4 **PREVENT HOMELESSNESS FOR INDIVIDUALS**
5 **LIVING WITH HIV OR AIDS.**

6 (a) IN GENERAL.—Subsection (c) of section 854 of
7 the AIDS Housing Opportunity Act (42 U.S.C. 12903(e))
8 is amended by—

9 (1) redesignating paragraph (3) as paragraph
10 (5); and

1 (2) striking paragraphs (1) and (2) and insert-
2 ing the following:

3 “(1) ALLOCATION OF RESOURCES.—

4 “(A) ALLOCATION FORMULA.—The Sec-
5 retary shall allocate 90 percent of the amount
6 approved in appropriations Acts under section
7 863 among States and metropolitan statistical
8 areas as follows:

9 “(i) 75 percent of such amounts
10 among—

11 “(I) cities that are the most pop-
12 ulous unit of general local government
13 in a metropolitan statistical area with
14 a population greater than 500,000, as
15 determined on the basis of the most
16 recent census, and with more than
17 2,000 individuals living with HIV or
18 AIDS, using the data specified in sub-
19 paragraph (B); and

20 “(II) States with more than
21 2,000 individuals living with HIV or
22 AIDS outside of metropolitan statis-
23 tical areas.

24 “(ii) 25 percent of such amounts
25 among States and metropolitan statistical

1 areas based on the method described in
2 subparagraph (C).

3 “(B) SOURCE OF DATA.—For purposes of
4 allocating amounts under this paragraph for
5 any fiscal year, the number of individuals living
6 with HIV or AIDS shall be the number of such
7 individuals as confirmed by the Director of the
8 Centers for Disease Control and Prevention, as
9 of December 31 of the most recent calendar
10 year for which such data is available.

11 “(C) ALLOCATION UNDER SUBPARAGRAPH
12 (A)(ii).—For purposes of allocating amounts
13 under subparagraph (A)(ii), the Secretary shall
14 develop a method that accounts for—

15 “(i) differences in housing costs
16 among States and metropolitan statistical
17 areas based on the fair market rental es-
18 tablished pursuant to section 8(c) of the
19 United States Housing Act of 1937 (42
20 U.S.C. 1437f(c)) or another methodology
21 established through a notice published by
22 the Secretary in the Federal Register; and

23 “(ii) differences in poverty rates
24 among States and metropolitan statistical
25 areas based on area poverty indexes or an-

1 other methodology established through a
2 notice published by the Secretary in the
3 Federal Register.

4 “(2) MAINTAINING GRANTS.—

5 “(A) CONTINUED ELIGIBILITY OF FISCAL
6 YEAR 2016 GRANTEES.—A grantee that received
7 an allocation in fiscal year 2016 shall continue
8 to be eligible for allocations under paragraph
9 (1) in subsequent fiscal years, subject to—

10 “(i) the amounts available from ap-
11 propriations Acts under section 863;

12 “(ii) approval under section 105 by
13 the Secretary of the most recent com-
14 prehensive housing affordability strategy
15 for the grantee; and

16 “(iii) the requirements of subpara-
17 graph (C).

18 “(B) ADJUSTMENTS.—Allocations to
19 grantees described in subparagraph (A) shall be
20 adjusted annually based on sections 203 (except
21 subsection (d)) and 209 of division C of the
22 Consolidated and Further Continuing Appro-
23 priations Act, 2012 (Public Law 112–55; 125
24 Stat. 693) except that, in lieu of the number of
25 cases of AIDS, such sections shall be adjusted,

1 through a notice published by the Secretary in
2 the Federal Register, to reflect the number of
3 individuals living with HIV or AIDS, and the
4 allocation factors under paragraph (1)(C) of
5 this subsection.

6 “(C) REDETERMINATION OF CONTINUED
7 ELIGIBILITY.—The Secretary shall redetermine
8 the continued eligibility of a grantee that re-
9 ceived an allocation in fiscal year 2016 at least
10 once during the 10-year period following fiscal
11 year 2016.

12 “(D) ADJUSTMENT TO GRANTS.—For each
13 of fiscal years 2017, 2018, 2019, 2020, and
14 2021, the Secretary shall ensure that a grantee
15 that received an allocation in the prior fiscal
16 year does not receive an allocation that is 5 per-
17 cent less than or 10 percent greater than the
18 share of total available formula funds allocated
19 to such grantee in the preceding fiscal year.

20 “(3) ALTERNATIVE GRANTEES.—

21 “(A) REQUIREMENTS.—The Secretary may
22 award funds reserved for a grantee eligible
23 under paragraph (1) to an alternative grantee
24 if—

1 “(i) the grantee submits to the Sec-
2 retary a written agreement between the
3 grantee and the alternative grantee that
4 describes how the alternative grantee will
5 take actions consistent with the applicable
6 comprehensive housing affordability strat-
7 egy for the grantee approved under section
8 105 of this Act;

9 “(ii) the Secretary approves the writ-
10 ten agreement described in clause (i) and
11 agrees to award funds to the alternative
12 grantee; and

13 “(iii) the written agreement does not
14 exceed a term of 10 years.

15 “(B) RENEWAL.—An agreement approved
16 pursuant to subparagraph (A) may be renewed
17 by the parties with the approval of the Sec-
18 retary.

19 “(C) DEFINITION.—In this paragraph, the
20 term ‘alternative grantee’ means a public hous-
21 ing agency (as defined in section 3(b) of the
22 United States Housing Act of 1937 (42 U.S.C.
23 1437a(b))), a unified funding agency (as de-
24 fined in section 401 of the McKinney-Vento
25 Homeless Assistance Act (42 U.S.C. 11360)), a

1 State, a unit of general local government, or an
2 instrumentality of State or local government.

3 “(4) REALLOCATIONS.—If a State or the city
4 that is the most populous unit of general local gov-
5 ernment in a metropolitan statistical area declines
6 an allocation under paragraph (1)(A), or the Sec-
7 retary determines, in accordance with criteria speci-
8 fied in regulation, that a State or the city that is the
9 most populous unit of general local government in a
10 metropolitan statistical area that is eligible for an
11 allocation under paragraph (1)(A) is unable to prop-
12 erly administer such allocation, the Secretary shall
13 reallocate any funds reserved for such State or met-
14 ropolitan statistical area as follows:

15 “(A) For funds reserved for a State—

16 “(i) to eligible metropolitan statistical
17 areas within the State on a pro rata basis;
18 or

19 “(ii) if there is no eligible metropoli-
20 tan statistical area within a State, to met-
21 ropolitan cities and urban counties within
22 the State that are eligible for a grant
23 under section 106 of the Housing and
24 Community Development Act of 1974 (42
25 U.S.C. 5306), on a pro rata basis.

1 “(B) For funds reserved for a metropolitan
2 statistical area, to the State in which the metro-
3 politan statistical area is located.

4 “(C) If the Secretary is unable to make a
5 reallocation under subparagraph (A) or (B), the
6 Secretary shall make such funds available on a
7 pro rata basis under the formula in paragraph
8 (1)(A).”.

9 (b) AMENDMENT TO DEFINITIONS.—Section 853 of
10 the AIDS Housing Opportunity Act (42 U.S.C. 12902)
11 is amended—

12 (1) in paragraph (1), by inserting “or ‘AIDS’ ”
13 before “means”; and

14 (2) by inserting at the end the following new
15 paragraphs:

16 “(15) The term ‘HIV’ means infection with the
17 human immunodeficiency virus.

18 “(16) The term ‘individuals living with HIV or
19 AIDS’ means, with respect to the counting of cases
20 in a geographic area during a period of time, the
21 sum of—

22 “(A) the number of living non-AIDS cases
23 of HIV in the area; and

1 “(B) the number of living cases of AIDS
2 in the area.”.

○