



# Bylaws of the United States Interagency Council on Homelessness

## Adopted 3/13/2023

The purpose of these bylaws<sup>1</sup> is to establish the procedures by which the Council meets its statutory obligations and to guide Council actions and decisions. The bylaws outline rules around authority levels, rights, and expectations. It is a high-level governance document that incorporates all current statutory requirements.<sup>2</sup> These bylaws should be reviewed annually and updated as needed.

## I. Mission

USICH is an independent agency within the executive branch, authorized by Congress through Title II of the Stewart B. McKinney Homeless Assistance Act of 1987 (42 U.S.C. §11311 et seq.), as amended. The mission of USICH is *“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.” §11311*

## II. Duties

All duties, except those requiring a formal vote of the Council, shall be carried out by the Executive Director who will keep the Council apprised of progress through regular progress reports and updates.

The Council shall—§11313(a)

- (1) *develop, make available for public comment, and submit to the President and to Congress a National Strategic Plan to End Homelessness, and update such plan annually.* An update may be a review and reaffirmation, extension, modification, termination, or replacement of the plan. The Plan and annual updates require the approval by majority vote of the Council. § 11313(a)(1)
- (2) *monitor, evaluate, and recommend improvements in programs and activities to assist people experiencing homelessness conducted by Federal agencies;* § 11313(a)(2) and §11313(a)(4)
- (3) *monitor, evaluate, and recommend improvements in programs and activities to assist people experiencing homelessness conducted by State and local governments, and private voluntary organizations;* §11313(a)(4)

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<sup>1</sup> These bylaws replace the March 2020 USICH Charter.

<sup>2</sup> Text in *italics* is drawn directly from USC.

- (4) *develop joint Federal agency and other initiatives to fulfill the goals of the agency and take such actions as may be necessary to reduce duplication among programs and activities by Federal agencies; § 11313(a)(3) and §11313(a)(9)*
- (5) *conduct research and evaluation related to its functions; §11313(a)(8)*
- (6) *collect and disseminate information relating to people experiencing homelessness; §11313(a)(9)*
- (7) *prepare the reports required in Section IV below; §11313 (a)(10)*
- (8) *develop constructive alternatives to criminalizing homelessness and laws and policies that prohibit sleeping, feeding, sitting, resting, or lying in public spaces when there are no suitable alternatives, result in the destruction of a homeless person's property without due process, or are selectively enforced against homeless persons. §11313(a)(12)*
- (9) *provide professional and technical assistance to States, local governments, and other public and private nonprofit organizations; §11313(a)(5)*
- (10) *encourage the creation of State Interagency Councils on Homelessness and the formulation of jurisdictional 10-year plans to end homelessness §11313(a)(6)*
- (11) *identify a lead agency or individual for each State to receive and disseminate information and communications from the Council, including the bimonthly bulletin, and to coordinate and interact with the Council and State and local agencies as necessary; §11320(a)(b) and*
- (12) *prepare and distribute to States (including State contact persons), Tribal governments, local governments, and other public and private nonprofit organizations, a bimonthly bulletin that describes Federal, State, and local programs that are effectively meeting the needs of people experiencing homelessness and the Federal resources available to assist people experiencing homelessness, including current information regarding application deadlines and appropriate contacts in Federal agencies. §11313(a)(11), §11313(b)(2)*

### **III. Authority**

*In carrying out its duties, the Council or Executive Director may—*

- (1) *arrange national, regional, State, Tribal, and local conferences for the purpose of developing and coordinating effective programs and activities to assist homeless individuals and pay for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made; and*
- (2) *secure directly from any Federal agency such information as may be necessary to enable the work of the Council. Upon request of the Chairperson of the Council or Executive Director, the head of such agency shall furnish such information to the Council. §11315(c)*

*If, in monitoring and evaluating programs and activities to assist homeless individuals conducted by Federal agencies, the Council determines that any significant problem, abuse, or deficiency exists in the administration of the program or activity of any Federal agency, the Council shall submit a notice of the determination of the Council to the Inspector General of the Federal agency (or the head of the Federal agency, in the case of a Federal agency that has no Inspector General. §11313(d)*

## IV. Reports

The Council, acting through the Executive Director, must—

- (1) ensure timely submission of the annual operating plan, budget justifications, performance plans, and responses to Congressional directives.
- (2) *annually obtain from Federal agencies their identification of (a) consumer-oriented entitlement and other resources for which persons experiencing homelessness may be eligible, (b) improvements to ensure access and steps taken to encourage and verify collaboration among entities within a community that receive Federal funding under these programs; §11313(a)(7)*
- (3) *annually, the head of each Federal agency that is a member of the Council shall prepare and transmit to the Congress and the Council a report that describes—*
  - (A) *each program to assist homeless individuals administered by such agency and the number of people experiencing homelessness served by such program;*
  - (B) *impediments, including any statutory and regulatory restrictions, to the use by people experiencing homelessness of each such program and to obtaining services or benefits under each such program; and*
  - (C) *efforts made by such agency to increase the opportunities for homeless individuals to obtain shelter, food, and supportive services. §11313(c)(1)*
- (4) *prepare and transmit to the President an annual report that—*
  - (A) *assesses the nature and extent of the problems relating to homelessness and the needs of people experiencing homelessness;*
  - (B) *provides a comprehensive and detailed description of the activities and accomplishments of the Federal Government in resolving the problems and meeting the needs assessed pursuant to subparagraph (A);*
  - (C) *describes the accomplishments and activities of the Council, in working with Federal, State Tribal, and local agencies and public and private organizations in order to provide assistance to people experiencing homelessness;*
  - (D) *assesses the level of Federal assistance necessary to adequately resolve the problems and meet the needs assessed pursuant to subparagraph (A); and*
  - (E) *specifies any recommendations of the Council for appropriate and necessary legislative and administrative actions to resolve such problems and meet such needs. §11313(c)(2) as amended by section 3003 of Pub. L. 104–66*

## V. Council Members § 11312(a)

The Council shall be composed of the following members:

- (1) *The Secretary of Agriculture.*
- (2) *The Secretary of Commerce.*
- (3) *The Secretary of Defense.*

- (4) The Secretary of Education.*
- (5) The Secretary of Energy.*
- (6) The Secretary of Health and Human Services.*
- (7) The Secretary of Housing and Urban Development.*
- (8) The Secretary of the Interior.*
- (9) The Secretary of Labor.*
- (10) The Secretary of Transportation.*
- (11) The Secretary of Veterans Affairs.*
- (12) The Chief Executive Officer of the Corporation for National and Community Service.*
- (13) The Administrator of the Federal Emergency Management Agency.*
- (14) The Administrator of General Services.*
- (15) The Postmaster General of the United States.*
- (16) The Commissioner of Social Security.*
- (17) The Attorney General of the United States.*
- (18) The Director of the Office of Management and Budget.*
- (19) The Director of the Office of Faith-Based and Community Initiatives.*
- (20) The heads of such other Federal agencies as the Council considers appropriate.*

## **Designees**

A Council member may name a designee through written notification to the Chairperson and Executive Director. Council members shall notify the Chairperson and Executive Director in writing if they withdraw or change a designee. Designees shall have all authorities and responsibilities of the Council member.

## **Proxy**

In the absence of a designee, Council members may authorize a proxy to speak and vote on their behalf by notifying the Chairperson and Executive Director in writing. Proxy votes shall be permitted only when, in the judgment and at the discretion of the Chairperson, it is necessary to execute the business of the Council.

## **Liaisons**

Council members may identify one or more agency employees to serve as USICH liaisons. Liaisons facilitate communications and coordinate activities between USICH and the Council member and their agency.

## **Duties**

Council member engagement shall include but not be limited to:

- (1) Maximum possible attendance at Council meetings,
- (2) Providing required reports and requested information in a timely way,
- (3) Naming a designee, if necessary,
- (4) Naming a liaison,
- (5) Active participation in strategic plan development and implementation,
- (6) Participation in meetings with Congress, the White House, stakeholders and the media as requested, and
- (7) Incorporating messages on homelessness and the work of the Council within appropriate remarks and speeches, social media, and other public events to reinforce federal priorities and strategies for ending homelessness.

## **Conflict of Interest**

Any Council member who deems it necessary and prudent to disqualify himself/herself from participation in Council action on any matter in which he/she may have or appear to have a conflict of interest shall advise the Chairperson and Executive Director of his/her disqualification. A Council member who is so disqualified shall be counted as present at the Council meeting for quorum purposes. A majority of the Council members present and voting shall be sufficient to constitute Council action on any questions on which one or more Council members shall have disqualified himself/herself by reason of conflict of interest.

## **Pay**

*Members of the Council shall receive no additional pay, allowances, or benefits by reason of their service on the Council. §11312(d)*

# **VI. Chairperson and Vice Chairperson**

## **Election**

*The Council shall elect by majority vote a Chairperson and a Vice Chairperson from among its members. The positions of Chairperson and Vice Chairperson shall rotate among its members on an annual basis. §11312(b)*

*The election of the Chairperson and Vice Chairperson shall occur at the first meeting of the fiscal year. §11312 (c)*

## **Chairperson Duties**

In addition to Council member duties above, the Chairperson shall:

- (1) set the agenda for and call all meetings of the Council in consultation with the executive director;
- (2) preside over all Council meetings or ensure that the Vice Chairperson can do so;
- (3) ensure adequate record of council proceedings are made and maintained and ensure that such record is distributed to members and others as directed by the Council;
- (4) work with all Council members to establish a vision and set priorities to guide the Council's work, and be accountable to the Council for ensuring that the Council's Strategic Plan is developed, updated, and implemented;
- (5) ensure the Council meets its statutory obligations.
- (6) be accountable to the President and to Congress for the Council's stewardship of the Council's budget.

The Chairperson is responsible for the supervision and evaluation of the Executive Director, including:

- (1) Meeting regularly with the Executive Director to ensure full communication and that members and staff are working together effectively;
- (2) The preparation, in consultation with the Vice Chairperson and other Council members as appropriate, of an annual performance evaluation of the Executive Director and the review of such evaluation with the Executive Director; and

(3) Collaboration and consultation with the Executive Director to identify any emerging issues that may adversely affect the ability of the Council to satisfy its duties and obligations and take actions as appropriate to remedy such issues.

## **Vice Chairperson Duties**

The Vice Chairperson is expected to attend all Council meetings and provide input to the Chairperson and Executive Director on meeting content and format. In the event the Chairperson is unable to attend, the Vice Chairperson will be asked to lead the meeting. The Vice Chairperson may also elevate attention on homelessness through public remarks, messaging or strategic communications, and special initiatives. The Vice Chairperson may be asked to participate in principal-level meetings with Council members and/or with the White House regarding key policy issues related to homelessness.

## **Terms**

The Chairperson and Vice Chairperson serve one-year terms. §11312(b)

## **Vacancies**

If the Chairperson or Vice Chairperson vacate their seat during their term, the council shall elect by majority vote a successor to serve the remainder of the term. If the Chairperson or Vice Chairperson assume their role midterm, they serve out the remainder of that term and may stand for re-election.

# **VII. Council Meetings**

*The Council shall meet at the call of the Chairperson or a majority of its members, but not less often than four times each year.* §11312(c)

The Chairperson shall establish, in consultation with the Executive Director, an annual schedule for regular meetings, to be changed only for good cause.

Meetings of the Council shall be presided over by the Chairperson, or, in the Chairperson's absence, by the Vice Chairperson. The Chairperson may designate a member of the Council who, in the absence of the Chairperson and the Vice Chairperson, shall act as Chairperson of the Council for calling and presiding over the meetings or other functions of the Council.

Meetings may occur in person, or by telephone, or multi-media communications.

Meetings shall be conducted such that no Council member is excluded from attendance and full participation regardless of the means or format of the Council meeting, and each Council member shall be provided with such accommodation as necessary to fully participate in the meeting.

Meetings may be public, closed, or executive session. The determination of whether a meeting is public, closed, or executive session is made by the Chairperson in consultation with the Executive Director and such decision is provided to Council members at least 14 days before such meeting.

For meetings open to the public, advance notice in the Federal Register and/or on the USICH website must be given. The Council may determine when non-members may participate in its discussion. Observers are not expected to participate in Council meetings unless requested to do so by a member of the Council or Executive Director and recognized by the

Chairperson. The Council may set aside and prescribe time during its public meetings for submissions and statements from non-members.

Attendance at closed meetings shall be limited to Council members or their designees, agency liaisons, the Executive Director, agency staff as determined by the Executive Director, and any other persons approved by the Council Chairperson in consultation with the Executive Director.

Attendance at Executive Sessions shall be limited to Council members or their designees and any other persons approved by the Council Chairperson.

Whenever possible meeting materials and agenda, in a fully accessible format, shall be made available to all Council members no less than 7 days in advance of the scheduled meetings.

Minutes of all regular meetings shall be duly recorded in a format and timeframe to be determined by the Chairperson in consultation with the Executive Director, and where appropriate, published or summarized, and distributed. Publication by means of posting minutes electronically on the Council website shall be deemed sufficient.

## **Quorum**

A majority of the Council shall constitute a quorum.

A Council member may participate in a meeting by telephone; or other multi-media communication that permits such Council member to actively participate along with all other members participating in the meeting. A Council member participating in a meeting by such means is deemed to be present in person at the meeting for all purposes, including establishment of a quorum and voting, unless and until such Council member ceases to attend the meeting by these means.

## **Voting**

Votes of the Council shall be officially recorded in a manner determined by the Chairperson. Votes shall be taken in the presence of a quorum with the affirmative vote of a simple majority of the members present unless otherwise prescribed by these bylaws or applicable law or regulation.

Votes of the Council shall be recorded in the Minutes of the Council meetings, duly noted as to any votes recorded against or any abstentions with regard to each motion presented. Voting may take place outside of Council meetings. Each Council member shall communicate their vote, and the Chairperson shall announce the vote result, including the number of votes in favor, against, and abstaining, and whether a motion has carried.

The Chairperson may call for a vote by electronic means. When a vote by electronic means is called, the Chairperson or Executive Director shall circulate by e-mail a written motion with a deadline by which all votes must be received. Votes will be sent only to the Chairperson and to the Executive Director. Upon expiration of the deadline for voting, and only upon verification of sufficient votes to meet quorum, the Chairperson shall tally the votes, and notify the Council of the results of the motion, including each vote in favor, against, and abstaining from the motion; and the vote will be recorded in the Minutes of the next meeting following the action.

## VIII. Committees

The Council Chairperson may establish such committees as needed to accomplish the work of the Council. Each committee must have a written charter and term. Members of the committee, which may include public members, and the committee chair, who must be a federal employee, are named by the Chairperson in consultation with other members and the Executive Director. The Executive Director will coordinate the work of the committees and report on their activities, findings, and recommendations to the Council. Committee members who are not federal employees are entitled to a per diem as permissible under current laws and regulations.

## IX. Staff

### Executive Director

#### Appointment

*The Council, by majority vote, shall appoint an Executive Director, who shall be compensated at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5. §11314(a)* The Executive Director shall be responsible to, and under the general direction of, the Chairperson. *§11312(e)*

The Chairperson shall annually evaluate the performance of the Executive Director with input from the Vice Chairperson and other members of the Council, as requested by the Chairperson.

#### Duties

The Executive Director:

- (1) Shall be responsible for the advancement and implementation of the policies established by the Council, and for the faithful execution of the decisions and directions of the Council and is broadly empowered with such executive authority as necessary to faithfully discharge this responsibility. This executive authority shall expressly include, but not be limited to, management of the staff, budget, and day-to-day business and management of the Council in accordance with guidance by the Council and all applicable laws, regulations, and policies.
- (2) Shall have authority to hire and fix the compensation of personnel necessary to carry out the duties of the Council in accordance with the provisions of Title 5 of the United States Code, including chapters 51 and 53; all applicable laws and regulations; and Council guidance.
- (3) May request the head of any Federal agency to detail, on a reimbursable or non-reimbursable basis, any personnel of such agency to the Council to assist the Council in carrying out its duties. *§11314(c)*
- (4) *May procure temporary and intermittent services under section 3109(b) of title 5.*
- (5) *May request and the Secretary of Housing and Urban Development shall provide the Council with such administrative and support services as are necessary to ensure that the Council carries out its functions in an efficient and expeditious manner. §11314(d)*
- (6) Shall coordinate with the Chairperson and any other Council member designated by the Chairperson in developing agendas for Council meetings.



(7) Will assist the Chairperson and Council members in representing the Council, including in its relations with the Congress of the United States, with the Office of Management and Budget, with agencies and departments of the Government, and with all others having business with the Council.

(8) Will *provide professional and technical assistance to States, local governments, and other public and private nonprofit organizations by supervising 5 to 10 regional advisors<sup>3</sup> each having responsibility for interaction and coordination of the activities of USICH within the 10 standard Federal regions.<sup>4</sup>* Regional advisors will:

*(A) interpret regulations and assist in the application process for Federal assistance, including grants;*

*(B) provide assistance on the ways in which Federal programs, other than those authorized under the McKinney Vento Act, may best be coordinated;*

*(C) develop recommendations and program ideas based on regional specific issues in serving the homeless population; and*

*(D) establish a schedule for biennial regional workshops to be held by the Council in each of the 10 standard Federal regions to further carry out and provide assistance. §11313(a)(5)*

(9) Maintain policies, practices, and procedures for the day-to-day operations of USICH. This management function includes:

(A) Maintain office policy manuals to govern the performance of all employees, supervise their compliance with all applicable laws and regulations, and ensure compliance with all applicable legislative and regulatory requirements;

(B) Supervise the staff including assignment of staff duties, training and provision for the human resources and needs of the staff including reasonable accommodation;

(C) Establishing staff performance standards and performing regular (annual) evaluation to ensure that they are met;

(D) Ensure the availability of staff support and other services including but not limited to reasonable accommodation as are necessary for the members to perform their duties;

(F) Prepare the USICH budget requests, operating reports, and the Performance and Accountability Report.

## **X. Delegations**

Upon majority vote and to the extent allowed by law, the Council may delegate authority to the Chairperson, a Council member, or the Executive Director to act on the Council's behalf and in the name of the Council, even on matters appearing in the list pursuant to §11313(a), provided such delegation is deemed necessary and appropriate to carry out the interests of the Council.

These bylaws contain certain delegation of Council power, authority, and responsibility to the Executive Director of the Council who may then further delegate such powers.

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<sup>3</sup> Regional advisors serve the functions specified for regional coordinators in the statute.

<sup>4</sup> Language from statute ("in order to enable such governments and organizations to") does not logically precede the four duties of the regional coordinators. It was likely a legislative drafting error and is not included here.

## **XI. Gifts**

*The Council may accept, use, and dispose of gifts or donations of services or property, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Council. §11315(d)*

## **XII. Termination**

The council is currently authorized through *October 1, 2028. §11319*