

**U.S. Department of Housing and Urban Development  
Eviction Protection Grant Program  
Frequently Asked Questions  
For FY 2023–24 NOFO Applicants  
July 30, 2024**

The Department of Housing and Urban Development (HUD) is providing these frequently asked questions (FAQs) to assist applicants to the FY 2023–24 Eviction Protection Grant Program (EPGP) Notice of Funding Opportunity number FR-6800-N-79 (NOFO).

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## References

### **1. Where can I find a copy of the NOFO?**

The NOFO is available on the [HUD Funding Opportunities](#) website and on [Grants.gov](#).

### **2. Where can I find the recording of the NOFO webinar?**

A recording of the NOFO webinar and the corresponding slides are posted on the [Resources tab of the EPGP website](#).

## Eligible Applicants

### **3. Who is eligible to apply for this grant?**

Non-profit or governmental entities that meet the three years of experience requirement (as defined in the NOFO) are eligible to apply. Please review the full list of eligible applicants in Section III.A. of the NOFO. Please note that individuals, foreign entities, sole proprietorships, for-profit institutions of higher education, public housing authorities, and tribally designated housing authorities are not eligible to apply.

### **4. I received FY 2021 or FY 2022 EPGP funds as a grantee or subrecipient. Can I apply?**

Yes, both new applicants and previous EPGP grantees or subrecipients may apply.

### **5. I am facing eviction. Can I apply?**

No, individuals are not eligible to apply for this grant.

### **6. We are a state housing agency. We operate multiple programs. We operate the Section 8 Housing Choice Voucher Program for select counties. Does this make us ineligible under public housing authority restriction on page 19 of the NOFO?**

In general, non-profit or governmental entities that meet the three years of experience requirement (as defined in the NOFO) are eligible to apply. Per the limitations outlined on page 18 of the NOFO, public housing authorities are not eligible to compete for, or receive, awards made under this announcement. If HUD's Office of Public and Indian Housing has your organization listed as a Public Housing Agency, your organization is not an eligible applicant. See [PHA Contact Information | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#).

### **7. It's our understanding that as a PHA we are ineligible to apply for the EPGP grant, but can we apply through our nonprofit subsidiary?**

Non-profit entities that meet the three years of experience requirement (as defined in the NOFO) are eligible to apply, provided the entity is not itself a PHA. Please review the full list of eligible applicants in Section III.A. of the NOFO. PHAs, including parent entities of an eligible subsidiary applicant, are not eligible to receive awards made under this announcement as a recipient (see NOFO page 18).

**8. If a governmental applicant has excessive force civil rights lawsuits pending, is it ineligible under the “Resolution of Civil Rights Matters” threshold criteria on pages 19-20 of the NOFO?**

For the purposes of this NOFO, disqualifying unresolved civil rights matters are specified in Section III.D.1.a.(1)-(5). Not all of these disqualifying civil rights matters are related to Fair Housing. For example, a pending excessive force lawsuit involving the Department of Justice that alleges a violation of Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act, etc. would be disqualifying under a.3. Please review Section III.D.1.a.3 and a.4, specifically, to determine if the excessive force civil rights lawsuit falls into one of those categories and causes your organization to be ineligible for funding.

Subrecipients/Collaboration

**9. My organization is an eligible applicant. Are we permitted to apply for this grant as a recipient while simultaneously being listed as a subrecipient or unfunded collaborator on another applicant’s application?**

Yes, you may apply for this grant as a recipient while simultaneously being listed as a subrecipient or unfunded collaborator on another applicant’s application or while you are currently serving as a subrecipient or unfunded collaborator in this grant program under previously awarded funding years. The definition of subrecipient on page 13 of the NOFO states: “A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.”

The applicant’s Narrative Response to Rating Factor 2.c. must list all partnerships and collaboration (see NOFO page 41).

The following limitations and considerations apply (see NOFO pages 16, 28, and 47):

- The precise number of awards under this NOFO will depend on several factors, including the number of eligible proposals received, the amount requested by each eligible recipient, and geographic diversity of the applicants’ proposed target service areas. At least half of the total funds will be available to award to applicants who have not received FY 2021 or FY 2022 EPGP funds as an awardee or subrecipient.
- HUD may fund no portion of an application that duplicates activities funded by other Federal awards.
- HUD may adjust the funding for an application to ensure funding diversity, geographic diversity, and alignment with HUD administrative priorities.

**10. Can a for-profit entity serve as a subrecipient or contractor under the grant?**

Yes. An entity that serves as a subrecipient or contractor under the grant does not need to meet the primary applicant eligibility criteria in Section III.A. of the NOFO. Therefore, a primary applicant may choose to partner with a for-profit entity as a subrecipient or contractor. Please see 2 CFR 200.331 regarding whether a partner organization should be classified as a subrecipient or a contractor. Under 2 CFR 200.332, flow down provisions of the grant apply to subrecipients. For example, since our grantees are not eligible to earn a profit under this grant, a subrecipient entity would also not be able to earn a profit for the work they do as a subrecipient.

**11. Are we required to have letters of support from each unfunded partner we plan to collaborate with?**

Your Narrative Response to Rating Factor 2.c. must respond to the prompt regarding partnerships and collaboration (see NOFO page 41). A Letter of Support from one project collaborator is a required supplemental supporting material (see NOFO page 28).

### Relevant Experience

**12. Can a subrecipient's experience be used to meet the three years of experience providing legal assistance requirement?**

No. The primary applicant organization must have at least three years of experience, prior to the application deadline, providing legal assistance (defined in Section I.A.4.b.) to low-income individuals via in-house staff, volunteers, contractors, or consultants (see NOFO page 20).

**13. The definition of legal assistance in Section I.A.4.b pointed me to Section III.F., which lists Eligible Legal Assistance Activities and Services. Does my organization need to have 3 years of experience providing all the eligible legal assistance services listed?**

No. Three years of experience providing any of the eligible legal assistance services listed on pages 21-23 of the NOFO is sufficient to meet the relevant experience requirement.

**14. My organization has experience providing rental assistance to prevent evictions. Does providing rental assistance count as "legal assistance" experience per Section I.A.4.b. of the NOFO?**

No. The definition of "legal assistance" in Section I.A.4.b. (NOFO pages 15, 21-23) does not include providing rental assistance. Per pages 23 and 34 of the NOFO, providing rental assistance is also not an eligible activity or allowable expense under the grant.

### Eligible Beneficiaries

**15. Is immigration status a factor for determining eligibility? Would we be required to track clients' immigration status?**

Immigration status is not a factor for determining eligibility. Per page 25 of the NOFO, activities must be targeted to benefit "tenants" who are "low income" and "at risk of eviction" or "subject to eviction" as those terms are defined on pages 14-16 in the NOFO. Note: EPGP Policy Guidance on determining beneficiary eligibility is available at <https://www.huduser.gov/portal/eviction-protection-grant.html#resources>. We encourage you to review Policy Guidance number 2024-01 on the allowable methods for determining whether individuals or families meet the eligibility criteria for services defined by the NOFO.

The Eviction Protection Grant Program does not track immigration status. Per page 52 of the NOFO, please see the grant reporting forms, including the HUD 52698, HUD 52698a, HUD 52699, and HUD 52700, at <https://www.huduser.gov/portal/eviction-protection-grant.html#resources>.

**16. Our current program provides services to tenants who are facing unlawful evictions. We do reject some tenants who are facing lawful evictions. Would this qualification on our program be an issue in receiving funds?**

Per page 25 of the NOFO, activities must be targeted to benefit “tenants” who are “low income” and “at risk of eviction” or “subject to eviction” as those terms are defined on pages 14-16 in the NOFO. In response to Rating Factor 2.a.ii (Target Population), you will need to identify the subset(s) of eligible beneficiaries in your target service area whom your project will benefit, being as specific as possible.

### Eligible Activities

**17. What are the eligible activities that can be funded through this grant?**

The activities proposed in your project plan must be eligible legal assistance activities, as defined in the NOFO. Please note: your project must include at least one service among categories a. through e. on pages 21–22 of the NOFO. Section IV.F. of the NOFO has further details about allowable direct and indirect costs.

**18. Does our city need to enact right to counsel to be eligible for this grant?**

No, the grant does not require a right to counsel to be codified by a city or any government. We encourage you to read the NOFO for detailed instructions on grant application requirements, eligibility criteria, and rating factors. For example, this program does not require cost sharing or matching (see NOFO Section III.C.). It does require a Letter of Support from a project collaborator (see NOFO Section IV.B.1.c. and Rating Factor 2.c. on Partnerships and Collaboration). HUD will prioritize applicants with cross-sector collaborations and referral partnerships to facilitate coordination of legal and non-legal housing stability resources and develop comprehensive strategies that effectively assist tenants in reaching the best intervention(s) for their needs.

**19. Can we use this grant to fund ongoing activities, or only new activities?**

Legal assistance activities may be new or ongoing. Please see the definition of legal assistance in the NOFO. Please note: This grant cannot fund duplicate activities funded in a prior year or activities funded by another Federal award. For example, if an organization received an FY 2021 EPGP award to fund attorney salaries to represent low-income tenants in eviction court, they can apply to continue that activity through this NOFO. The new grant could be used to fund legal representation costs when the prior year funds are exhausted, which allows continuity of services without double paying for attorney time.

**20. On page 23 of the NOFO, it states: “Your project must include at least one service among categories a. through e. above.” Does this mean that the proposed scope of work must offer at least one service from each of those categories, or at least one service that falls under ANY of those categories?**

Your project must include at least one service among any of those listed in categories a. through e. You are not required to propose services for all five of those categories. For example, you might propose offering legal representation (category a), eviction record sealing (category e), and tenant education and outreach (category h). Per the Rating Factor 2.a. instructions, you must describe your proposed project activities in detail.

**21. Can we use the optional Activities, Measures and Expected Outcomes chart template for all responses to Rating Factor 2.a. (Logic Model)? Or do we need a chart and a narrative response? Please clarify.**

1. You must respond to Rating Factor 2.a.i. and 2.a.ii. in your 25-page Narrative Response. Use headings to corresponding Rating Factors and Sub-factors to clearly identify your response to each. You may use the optional [Narrative Response template](#) to complete this application component.
2. The Activities, Measures, and Expected Outcomes chart will be considered for scoring, but it does not count toward the Narrative Response 25-page limit. It must be provided as a supplemental appendix to respond to Rating Factor 2.a.iii. You may use the optional [Activities, Measures, and Expected Outcomes Chart template](#) to complete this application component. See pages 28 and 39-40 of the NOFO.
3. The Quarterly Timeline will be considered for scoring, but it does not count toward the Narrative Response 25-page limit. It must be provided as a supplemental appendix to respond to Rating Factor 2.a.iv. You may use the [optional Benchmarks Plan and Report](#) to complete this application component. See pages 28 and 40 of the NOFO.

**22. Is advocacy and education to public officials of eviction-related issues experienced by the clients we serve through this grant an eligible activity?**

Eligible legal assistance activities are defined on pages 21-23 of the NOFO. Your project must include at least one service among categories a. through e. on pages 21-22. Per pages 22-23, collaboration or work to advance the development, improvement, or evaluation of tools, processes, education materials and trainings, and eviction prevention and protection programs is an eligible activity, including:

- Educate judges and court staff on federal, state, and local eviction laws and regulations, and housing stability services available to low-income tenants.
- Develop or improve eviction court tools and resources to enable low-income tenants to better access resources and protect their rights. This may include:
  - Self-help technology like online form builders for responding to eviction notices.
  - Systems to provide remote access and other accessibility functions of hearings.
  - Information materials and notices about available assistance and legal rights – available in multiple languages and across different digital and print platforms.
- Coordinate cross-sector development or expansion of right to counsel, eviction diversion, and/or collaborative housing courts programs.
- Build or formalize partnerships across legal and non-legal eviction protection service providers to improve coordinated service delivery to tenants.
- Evaluate eviction-related patterns and trends in your service area, develop tools for analyzing, tracking, or visualizing these data, and share data publicly and/or with collaborators.
- Evaluate eviction protection strategies in your service area, assess effectiveness of legal assistance services delivered, and share evidence of these interventions.

Please review the lobbying restrictions in the NOFO. While “education” directed at public officials can be an allowable cost, characterizing your proposed activities as “advocacy” to public officials suggests that you intend to use grant funds to influence or attempt to influence public officials in connection to eviction-related issues funded through the grant. This is typically an unallowable cost. Eviction Protection Grant Program Policy Guidance on lobbying restrictions is available at

<https://www.huduser.gov/portal/eviction-protection-grant.html#resources>.

## Chances of Success/Renewal Funding

### **23. Can I schedule a meeting with HUD staff to get feedback on my application?**

No, we are unable to hold individual meetings with applicants to ensure that all prospective applicants have access to the same information during the application period.

If you have questions about the NOFO, we encourage you to review the resources available on the [EPGP website](#), the [HUD Funding Opportunities website](#), and [Grants.gov](#). You may also reach out to our Grant Officers at [EvictionProtectionGrant@hud.gov](mailto:EvictionProtectionGrant@hud.gov). Please use the subject line “Questions for EPGP FY23–24 NOFO.” Our Grant Officers will review and respond to written NOFO inquiries on a rolling basis and update frequently asked questions on the [Resources tab of the EPGP website](#) as needed.

### **24. I heard about an organization that is going to apply. What are their chances of success?**

This is a competitive grant. Please note that under the HUD Reform Act, we are prohibited from disclosing information contained in any application, information regarding any applicant’s relative standing, or the amount of assistance requested by any applicant. Prior to the application deadline, we are also prohibited from disclosing the identity of any applicant.

Under the terms of the NOFO, in addition to applicant Rating Factor scores, the precise number of awards will depend on several factors, including the number of eligible proposals received, the amount requested by each eligible recipient, and geographic diversity of the applicants’ proposed target service areas. A portion of funding under this NOFO will be made available to applicants serving eligible tenants in rural areas. At least half of the total funds available are expected to be awarded to new applicants who did not receive fiscal year 2021 or 2022 EPGP funds as a grantee or subrecipient.

### **25. Is renewal funding available?**

Non-competitive renewal funding is not available. This is a competitive grant with a 2-year period of performance. Grantees or subrecipients that received fiscal year 2021 or 2022 EPGP funding need to reapply to this NOFO to be considered for a fiscal year 2023 or 2024 award. Please note: No applicant will receive both FY 2023 and FY 2024 funds. Subject to appropriations, we may consider applicants that do not receive an award from FY 2023 or FY 2024 amounts for an award from FY 2025 funds.

## Indirect Cost Rate

### **26. Since the Office of Management and Budget increased the de minimus indirect cost rate from 10% to 15% effective October 1, 2024, please advise as to how we are allowed to proceed with the application budget. May we submit using a de minimus rate of 15% or will awards under this funding be under the previous maximum of 10%?**

If you intend to use the de minimis rate, your responses to Rating Factor 4 may use the 15% de minimis rate. Per page 36 of the NOFO, normal indirect cost rules under 2 CFR part 200, subpart E apply. Per page 17 of the NOFO, the estimated project start date for these grants is after the October 1, 2024 effective date for changes to 2 CFR part 200, subpart E that increase the de minimus rate from 10% to 15%. Therefore, the new rate will apply to awards under this NOFO.



## Technical Corrections to the NOFO

HUD received comments that there were two confusing or misleading sentences in the NOFO. Those have been corrected and the corrected language is posted in the revised NOFO that is posted on [Grants.gov](https://www.grants.gov) and the [HUD Funding Opportunities](https://www.hud.gov/fundingopportunities) website.

The first technical correction was in the Program Description section of the NOFO on page 7, footnote 3. There was a statement regarding Legal Service Corporations not serving people without citizenship documentation. That statement was corrected to clarify that there are exceptions to LSC's regulations regarding representation of non-citizens:

*Page 7, footnote 3:*

<sup>3</sup> E.g., Legal Services Corporation ~~funds do not allow~~ restricts some services like class action lawsuits or ~~serving people without citizenship documentation~~ representing non-citizens who do not meet an eligibility exception.

The second technical correction was in the Rating Factors section of the NOFO on page 39. There was a parenthetical regarding logic model resources that was confusing. That parenthetical has been removed:

*Page 39:*

### **2.a. Logic Model (30 points max.)**

A logic model is a conceptual framework that explains the links among project elements to show sound project design. Project elements should be clear, meaningful, measurable, and realistic. While there are many versions of logic models (~~see link to resources for creating your logic model in Section VIII.3.~~), you must address the following project elements:...

The link provided in Section VIII.3. of the NOFO directs applicants to the [EPGP](https://www.epgp.gov) website, which includes optional templates to assist applicants with preparing responses to Rating Factor 2.a., as well as other resources that applicants may wish to consider as they develop their project plan, such as the data collection forms for the Eviction Protection Grant Program.