



**U.S. Department of Housing and Urban Development**

Policy Development and Research

Eviction Protection Grant Program

FR-6800-N-79

08/20/2024

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**Funding Opportunity Title:**  
Eviction Protection Grant Program

**Funding Opportunity Number:**  
FR-6800-N-79

**Assistance Listing Number:**  
14.537

**Due Date for Applications:**  
08/20/2024

## OVERVIEW

The U.S. Department of Housing and Urban Development (HUD) issues this Notice of Funding Opportunity (NOFO) to invite applications from eligible applicants for the program and purpose described within this NOFO. You, as a prospective applicant, should carefully read all instructions in all sections to avoid sending an incomplete or ineligible application. HUD funding is highly competitive. Failure to respond accurately to any submission requirement could result in an incomplete, ineligible, or noncompetitive proposal.

In accordance with [Title 24 part 4, subpart B](#) of the Code of Federal Regulations (CFR), during the selection process (which includes HUD's NOFO development and publication, and concludes with the announcement of the selection of recipients of assistance), HUD is prohibited from disclosing covered selection information. Examples of impermissible disclosures include: 1) information regarding any applicant's relative standing; 2) the amount of assistance requested by any applicant; and 3) any information contained in the application. Prior to the application deadline, HUD may not disclose the identity of any applicant or the number of applicants who have applied for assistance.

For further information regarding this NOFO, direct questions regarding the specific requirements of this NOFO to the agency contact identified in section VII.

**Paperwork Reduction Act Statement.** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. §§ 3501- 3520) (PRA), the Office of Management and Budget (OMB) approved the information collection requirements in this NOFO. HUD may not conduct or sponsor, and a person is not required to respond to a collection of information unless the collection displays a valid OMB control number. This NOFO identifies the applicable OMB control number, unless the collection of information is excluded from these requirements under [5 CFR Part 1320](#).

**OMB Control Number(s):**  
2501-0044

## I. FUNDING OPPORTUNITY DESCRIPTION

### A. Program Description

#### 1. Purpose

##### a. Overview

The Eviction Protection Grant Program (EPGP) through this NOFO will fund nonprofit organizations and government entities to provide no cost legal assistance to low-income tenants at risk of or subject to eviction. Additionally, projects will expand the evidence base around

eviction protection and diversion programming, by reporting information about tenants served, legal assistance services provided, outcomes achieved and milestones reached, and collaborative activities.

b. EPGP Goals, Objectives, and Funding Priorities

The goal of EPGP is to increase housing stability for low-income tenants at risk of or subject to eviction by funding eviction prevention and protection work. Legal assistance provided through grantee projects may help achieve the following outcomes for low-income tenants:

- *Prevention*: help tenants avert eviction and prevent eviction filings.
- *Justice*: help tenants exercise and enforce their housing and civil rights and ensure the legal process during eviction is fair.
- *Diversion*: increase tenant access to, and participation in, non-adversarial resolutions outside of the court system.
- *Relief*: help tenants avoid the harmful consequences of eviction and gain access to stabilizing resources.

EPGP's objectives are to:

1. *Increase housing stability for low-income tenants*. Provide funding to government and nonprofit entities to provide no-cost legal assistance to low-income tenants facing eviction or at risk of eviction in areas with high rates of evictions or risk of evictions.
2. *Support eviction protection strategies that advance equity and affirmatively further fair housing*. Advance equitable and community-driven approaches to serving individuals and families disproportionately at risk of eviction and lacking access to legal assistance, including Black and Brown people, persons with limited English proficiency, persons with disabilities, households with children, and persons living in rural communities.
3. *Support the development and implementation of evidence-based strategies to close the justice gap*. Support grantees to assess needs of their target community, form partnerships that break down silos between legal and other housing stability services, address systemic barriers to eviction legal assistance, and test promising community-centered strategies and models.
4. *Evaluate legal assistance strategies and outcomes*. Build the evidence base for the demographics and circumstances of people facing eviction risk; and effective strategies for preventing evictions and increasing housing stability for renters.

HUD will prioritize applications that:

1. Demonstrate understanding of pressing local needs, especially of individuals and families disproportionately at risk of eviction and lacking access to legal assistance. Target strategies and service delivery methods to address the needs of residents in areas with high rates of eviction in a way that advances equity and affirmatively furthers fair housing, as defined in Section I.A.4.a.
2. Build or formalize mutually beneficial cross-sector collaborations and partnerships to facilitate coordination of legal and non-legal housing stability resources and develop comprehensive eviction prevention strategies.

3. Demonstrate capacity, experience, and commitment to sustain the staffing required to successfully complete your project and assist low-income tenants, including those with limited English proficiency or disabilities, and achieve project outcomes.
4. Demonstrate commitment to ongoing evaluation to build knowledge and evidence about ways to increase housing stability and access to justice for low-income tenants.

Your application's Narrative Response should highlight how your proposed project aligns with these funding priorities. The *Program-Specific Requirements* in Section III.F. and *Rating Factors* in Section V.A. further explain each priority.

### c. Background and Need for EPGP

[7.6 million tenants](#) face the threat of losing their homes and 3.9 million people are formally evicted through a court order annually. Informal and illegal eviction rates are estimated to be [two to six times greater](#) than formal eviction rates. Two-thirds of U.S. eviction filings are based on late rent, with half of evictions cases claiming under \$940. As [rent prices surge](#) and housing assistance hits the lowest level in nearly a quarter-century, more tenants than ever are severely rent burdened, spending more than half of their income on shelter. While eviction is a nationwide endemic crisis, there is [massive variation in eviction court displacement rates](#) — the percentage of eviction filings that result in actual eviction.

Black, Hispanic, Indigenous, and people of color, especially women, are more likely to be renters, to be rent burdened, to face eviction, and to experience more lasting harms of eviction.<sup>1</sup> Black renters and households with children are at greatest risk of formal eviction. One in five Black renters faced an eviction filing, and one in ten were formally evicted between 2007 and 2016 – four times the rates for white renters.<sup>2</sup> Each year, eviction filings affect 2.9 million children; households with children are twice as likely to face eviction filings as adults living without children. Informal and illegal evictions are more likely to affect [non-English speaking and immigrant households](#). Legal aid organizations often depend on government funding, which can restrict the types of cases they can pursue and tenants they may serve.<sup>3</sup>

*Harms.* Eviction is destructive and traumatic, leading many to housing instability and homelessness, as well as lasting collateral consequences on financial, education, employment, health, and other indicators of well-being, even [increased mortality](#). The mere act of filing an eviction places an unlawful detainer on a tenant's records, regardless of case merits – an insurmountable barrier to future housing for many. Eviction filings alone reduce housing opportunities and can remain on a tenant's record for years. The rippling harms of eviction reach beyond [affected households](#) – destabilizing and straining neighborhoods, schools, municipal social services, and regional economies.

The eviction crisis affects households across the U.S., in urban, suburban, and rural areas. The causes and mechanics of eviction vary widely, based on state and local laws and policies, court practices, market forces, demographics, and other factors.

Tenants facing eviction encounter an inaccessible, confusing, and overburdened legal system and access to legal representation is utterly insufficient. [Four](#) percent of tenants have legal representation in eviction cases, compared to over 83 percent of landlords. Without legal guidance, tenants often do not respond to an eviction filing or assert any legal defense, even though they may have one, leading to default judgments in over half of eviction cases.<sup>4</sup> More

than one third of tenants move after the first sign of an impending eviction — usually notice from a landlord. Unrepresented tenants [lack the knowledge or tools](#) to make effective legal arguments, raise defenses, introduce evidence, preserve issues for appeal, or navigate procedural obstacles. Further, unrepresented tenants often agree to unfavorable settlement terms prior to hearings, entered without review in many jurisdictions.

*Eviction Protection Services.* Multiple entities play primary roles in helping tenants through the legal eviction processes. Courts and legal aid providers are most central, providing representation, advice and procedural assistance. Nonlegal community-based organizations also [play a critical role](#). These organizations have a unique vantage point within affected communities, providing knowledge of emergent challenges and effective solutions. For example, tenant organizations engage in the civil legal system through collaboration with legal aid providers, helping tenants navigate court or administrative processes, court oversight and accountability, education to court and government officials, and community organizing.

Coalitions of city agencies, nonprofits, and court leadership [developed or expanded eviction prevention and protection programs and enacted policy reforms](#) as unprecedented federal, state, tribal, and local pandemic policies and funding was directed to protect families from the pandemic’s threat to public health and housing stability.

[Right to counsel programs](#) are codified guarantees that all tenants, or a defined class, must receive representation in eviction proceedings. Seventeen cities, four states, and one county have enacted [right to counsel legislation](#), and over 60 cities expanded representation access as of fall 2023. [Studies consistently find](#) that represented tenants are more likely to remain in their homes and less likely to suffer collateral consequences of an eviction record.<sup>5</sup> Further, jurisdictions are seeing cultural shifts in courts and [improved interactional and informational outcomes](#), such as judges discussing rights and options with tenants.

[Eviction prevention and diversion programs](#) intercede before an eviction filing or divert filings to a coordinated process. [Studies](#) show that diversion programs succeed when [designed](#) to avoid eviction filings, reach mutually agreeable resolutions, and keep tenants stably housed. Courts, legal aid providers, and community-based organizations provide a [holistic combination of services](#), including: legal representation to ensure tenants’ rights are upheld; mediation or collaborative housing court<sup>6</sup> to develop agreements; and rental assistance and other wraparound social services. Along with [strong evidence of success](#) in assisting parties to reach durable resolutions, eviction diversion and mediation programs protect tenants from collateral consequences of eviction filing records, help landlords save money, and free up courts and legal aid providers to focus on cases where litigation is necessary.<sup>7</sup> 180 jurisdictions in 36 states have developed or expanded diversion programs in recent years.<sup>8</sup>

As pandemic-era policies and programs expired or lost funding in 2022, eviction filings rebounded, increasing towards (and in several cities surpassing) pre-pandemic rates.<sup>9</sup> Recent successes show the magnitude of positive change that is possible and make clear the level of investment and collaboration necessary to build effective, lasting, and equitable solutions to housing instability. EPGP is one piece of that investment.

#### d. EPGP Grantees FY 2021 and FY 2022

HUD launched EPGP in 2021. PD&R announced inaugural awards to 10 legal service providers totaling \$20 million in November 2021 and expanded the program to an additional 11 grantees in May 2022 with another \$20 million in FY 2022 funds. Of these 21 grantees, 9 organizations provide statewide eviction protection services in 11 states, while the other 12 implemented regional or local eviction protection programs. You can learn more about these grantees on the [EPGP website](#).

<sup>1</sup> Sophia Wedeen, [Black and Hispanic Renters Face Greatest Threat of Eviction in Pandemic](#), Joint Center for Housing Studies (Jan. 2021); Kim M. Blankenship, Alana Rosenberg, Penelope Schlesinger, Allison K. Groves, and Danya E. Keene, [Structural Racism, the Social Determination of Health, and Health Inequities: The Intersecting Impacts of Housing and Mass Incarceration](#), American Journal of Public Health (Jan. 2023).

<sup>2</sup> Nick Graetz, Carl Gershenson, Peter Hepburn, Sonya R. Porter, Danielle H. Sandlerand, and Matthew Desmond, [A Comprehensive Demographic Profile of the U.S. Evicted Population](#), PNAS (Oct. 2023) (avg. of one in 24 white renters faced eviction filing, one in 40 were formally evicted).

<sup>3</sup> E.g., Legal Services Corporation funds do not allow class action suits or serving people without citizenship documentation.

<sup>4</sup> ACLU and NCCRC, [No Eviction without Representation: Evictions' Disproportionate Harms and The Promise of Right to Counsel](#) (May 2022) (citing as contributing factors: lack of understanding of available defenses, insufficient time to seek legal advice, work and childcare obligations, transportation, and other barriers affecting tenants with disabilities or mobility issues).

<sup>5</sup> For example, a [Minnesota study](#) found that fully represented tenants win or settle 95% of cases and clients receiving limited representation win or settle 83% of their cases, compared to 62% of unrepresented tenants. Represented tenants were twice as likely to stay in their homes or got twice as much time to move, left court without an eviction record, and were four times less likely to use homeless shelters.

<sup>6</sup> Collaborative housing courts integrate supportive services into the court process and provide collaborative, holistic models of resolving disputes, especially with local public housing authorities, by encouraging a problem-solving judiciary integrated with personalized programs and support services. For example, [Rochester, NY](#) is considering a new housing court model that would allow the court to make orders to landlord about habitability; allow tenants to represent themselves more easily; and have more court-supervised administrators following up to make sure necessary changes are made.

<sup>7</sup> For example, in [Philadelphia](#), eviction litigation has become a last resort, with 85% of eviction filings resolved through settlement; and the eviction filing rate has remained at 53% of historic averages since the CDC moratorium lifted in 2021.

<sup>8</sup> [FACT SHEET: White House Summit on Building Lasting Eviction Prevention Reform](#), The White House (Aug. 22, 2022).

<sup>9</sup> Camila Vallejo, Jacob Haas, Peter Hepburn, [Preliminary Analysis: Eviction Filing Patterns in 2022](#), Eviction Lab (Mar. 2023); Peter Hepburn, Jacob Haas, Nick Graetz, Renee Louis, Devin Q. Rutan, Anne Kat Alexander, Jasmine Rangel, Olivia Jin, Emily Benfer, Matthew Desmond, [COVID-era policies cut eviction filings by more than half](#), Eviction Lab (May 2023).

## **2. HUD and Program-Specific Goals and Objectives**



HUD's Strategic Plan sets the direction and focus of our programs and staff to create strong, sustainable, inclusive communities and quality, affordable homes for all. This NOFO supports [HUD's Strategic Plan for Fiscal Years \(FY\) 2022-2026](#) to accomplish HUD's mission and vision. Each of the five goals in the [Strategic Plan](#) include what HUD hopes to accomplish, the strategies to accomplish those objectives, and the indicators of success.

HUD will pursue two overarching priorities focused on increasing equity and improving customer experience across all HUD programs. Five strategic goals and several objectives undergird the Plan; however the following goals are applicable to this NOFO.

You are expected to align your application to the applicable strategic goals and objectives below. Use the information in this section to describe in your application the specific goals, objectives, and measures that your project is expected to help accomplish. If your project is selected for funding, you are also expected to establish a plan to track progress related to those goals, objectives, and measures. HUD will monitor compliance with the goals, objectives, and measures in your project.

### **Applicable Goals and Objectives from HUD's Strategic Plan**

#### **Strategic Goal 1: Support Underserved Communities**

Fortify support for underserved communities and support equitable community development for all people.

#### **1A: Advance Housing Justice**

Fortify support for vulnerable populations, underserved communities, and Fair Housing enforcement.

While eviction laws and housing market dynamics are highly local, HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. In the absence of tenant access to legal assistance, many eviction practices threaten equitable housing stability and challenge HUD's broader efforts to protect consumers, utilize housing as a platform for improving quality of life, and build inclusive and sustainable communities free from discrimination. With this program, HUD is taking action to help ensure that tenants, including those in federally-assisted housing, have access to legal assistance necessary to ensure fair processes and enforce tenant rights and fair housing laws.

EPGP exemplifies [HUD's focus on expanding the Department's role in proactively supporting and protecting vulnerable and underserved communities and housing justice](#). Through EPGP, the Department is bolstering the strengths of state, local and tribal governments, legal assistance providers, social service agencies, and communities that disproportionately face eviction, to meet localized needs, while also providing models for jurisdictions across the United States. EPGP is one federal tool contributing to [recent gains in lasting eviction prevention](#) – expansions in eviction diversion, increased right to counsel for tenants, and reforms to court policies and practices aimed toward increasing stabilization and justice.

EPGP advances objective 1A through two strategies:

- Advancing housing justice and strengthening housing protections for underserved populations to affirmatively further fair housing.
- Expanding housing stabilization opportunities and strengthening partnerships to reach marginalized, underserved, and vulnerable populations.

To evaluate its success in achieving objective 1A, HUD reports on the number of households subject to or at risk of eviction that receive eviction protection services through the grant program, as reported by grantees. Grantees track tenant data, services, and outcomes described in Section VI.C., *Reporting*. Outcomes include tenant housing preserved or extended, financial benefits secured or restored, rights enforced, conditions remedied, negotiated settlements, and other remedial outcomes.

### **3. Changes from Previous NOFO**

HUD launched EPGP in 2021, funding two cycles of grantees under the original NOFO, FR-6500-N-79. Significant changes from the 2021 NOFO are as follows:

- a. Developed outcome-oriented program goals and funding priorities, and corresponding rating factor revisions, to fund projects most aligned with HUD's strategic goals.
- b. Funding priority for collaborative projects that break down silos between legal and other housing stability services.
- c. Further integrated and prioritized racial equity, Affirmatively Furthering Fair Housing, and centering impacted communities, in accordance with Executive Orders 13985 and 14091, Federal fair housing and civil rights laws, and program policies.
- d. Increased emphasis on applicant's capacity and commitment to program implementation, proposed project outcomes, and program management, balanced with holistic evaluation of experience and resources.
- e. Clarified guidance on eligible beneficiaries, to ease burden on applicants in determining eligibility; better account for the spectrum of experiences setting a tenant on imminent course to facing eviction; and allow for earlier interventions.
- f. Clarified applicant eligibility and relevant experience requirement to address questions received from previous applicants.
- g. Clarified the eligible legal assistance services and activities, providing applicants with more guidance on allowable eviction protection interventions.
- h. Additional revisions to application requirements and review criteria:
  - Revised "rural areas" definition, adopting OMB's delineation of nonmetropolitan counties, Section I.A.4.b.
  - Added program-specific required supplemental materials – partner letter of support, project timeline, and applicable subrecipient resumes – to *content and form of application submission*, Section IV.B.
  - Revised rating factors and narrative response prompts in *review criteria*, maintaining broad factor headings and scoring distribution, Section V.A.1.
  - Added past performance considerations that HUD will account for in *application review and selection*, Section V.B.1.
  - Added discretion to limit total amount of funds available to applicants who received EPGP funds in FY21 or FY22, per Congressional guidance to provide some awards to new applicants, Section V.B.3.
- i. Additional revisions to program requirements:

- Clarified *participation requirements for grantees*, Section III.F. 3.
- Provided additional guidance on allowable costs, direct costs, and indirect costs in *funding restrictions*, Section IV.F.
- Updated *Administrative, National and Departmental Policy Requirements and Terms for HUD Applicants and Recipients of Financial Assistance Awards* in accordance with the HUD requirements, Section VI.B. Additionally, this section clarifies requirements related to nondiscrimination and equal opportunity. Furthermore, this section is updated to provide program details related to its termination policy.
- Clarified program-specific *reporting requirements* and added updates in accordance with HUD requirements to document and keep on file racial and other demographic data related to beneficiaries, Section VI.C.

## 4. Definitions

### a. Standard Definitions

**Affirmatively Furthering Fair Housing (AFFH)** means taking meaningful actions, in addition to combating discrimination to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunities, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all program participant's activities and programs relating to housing and urban development.

**Assistance Listing number** refers to the unique number assigned to each Federal assistance program publicly available in the Assistance Listing, which is managed and administered by the General Services Administration. The Assistance Listing number was formerly known as the Catalog of Federal Domestic Assistance (CFDA) number.

**Authorized Organization Representative (AOR)** is a person authorized to legally bind your organization and submit applications via Grants.gov. The AOR is authorized by the E-Business Point of Contact (E-Biz POC) in the System for Award Management (see E-Biz POC definition). An AOR may include an Expanded AOR and/or a Standard AOR.

***Expanded Authorized Organization Representative*** is a user in Grants.gov who is authorized by the E-Biz POC to perform the functions of a Standard AOR, initiate and submit applications on behalf of your organization, and is allowed to modify organization-level settings and certifications in Grants.gov.

***Standard Authorized Organization Representative*** is a user in Grants.gov who is authorized by the E-Biz POC to initiate and submit applications in Grants.gov. A Grants.gov user with the Standard AOR role can only submit applications when they are a Participant for that workspace.

**Consolidated Plan** is the document submitted to HUD that serves as the comprehensive housing affordability strategy, community development plan, and submission for funding under any of the Community Planning and Development formula grant programs (e.g., CDBG, ESG, HOME,

and HOPWA). This Plan is prepared in accordance with the process described in [24 CFR part 91](#). This plan is completed by engaging in a participatory process to assess affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions with funding from formula grant programs. (See [24 CFR part 91](#) for HUD's requirements regarding the Consolidated Plan and related Action Plan).

**Contract** means, for the purpose of Federal financial assistance, a legal instrument by which a recipient or subrecipient purchases property or services needed to carry out the project or program under a Federal award. For additional information on contractor and subrecipient determinations, see [2 CFR 200.331](#).

**Contractor** means an entity that receives a contract as defined above and in [2 CFR 200.1](#).

**Cooperative agreement** has the same meaning defined at [2 CFR 200.1](#).

**Deficiency**, with respect to the making of an application for funding, is information missing or omitted within a submitted application. Examples of deficiencies include missing documents, missing or incomplete information on a form, or some other type of unsatisfied information requirement. Depending on specific criteria, a deficiency may be either Curable or Non-Curable.

*A **Curable Deficiency*** is missing or incomplete application information that may be corrected by the applicant with timely action. To be curable, the deficiency must:

- Not be a threshold requirement, except for documentation of applicant eligibility;
- Not influence how an applicant is ranked or scored versus other applicants; and
- Be remedied within the time frame specified in the notice of deficiency.

*A **Non-Curable Deficiency*** is missing or incomplete application information that cannot be corrected by an applicant after the submission deadline. A non-curable deficiency is a deficiency that is a threshold requirement, or a deficiency that, if corrected, would change an applicant's score or rank versus other applicants. If an application includes a non-curable deficiency, the application may receive an ineligible determination, or the non-curable deficiency may otherwise adversely affect the application's score and final funding determination.

**E-Business Point of Contact (E-Biz POC)** is an individual associated with the applicant organization who is responsible for the administration and management of award activities for the applicant organization. The E-Biz POC is likely to be an organization's chief financial officer or authorizing official. The E-Biz POC authorizes representatives of their organization to apply on behalf of the organization (see Authorized Organization Representative definition). There can only be one E-Biz POC per unique entity identifier (see definition of Unique Entity Identifier below).

**Eligibility requirements** are mandatory requirements for an application to be eligible for funding.

**Environmental Justice** means investing in environmental improvements, remedying past environmental inequities, and otherwise developing, implementing, and enforcing environmental laws and policies in a manner that advances equity and provides meaningful involvement for people and communities that have been environmentally underserved or overburdened, such as Black and Brown communities, indigenous groups, and individuals with disabilities. This

definition does not alter the requirements under HUD's regulations at [24 CFR 58.5\(j\)](#) and [24 CFR 50.4\(l\)](#) implementing [Executive Order 12898](#). E.O. 12898 requires a consideration of how Federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and/or low-income populations. For additional information on environmental review compliance, refer to:

[https://www.hud.gov/program\\_offices/comm\\_planning/environment\\_energy/regulations](https://www.hud.gov/program_offices/comm_planning/environment_energy/regulations).

**Equity** has the meaning given to that term in Section 2(a) of Executive Order [13985](#) and means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.

**Federal award**, has the meaning, depending on the context, in either paragraphs (1) or (2) of this definition:

(1)

(a) The Federal financial assistance that a recipient receives directly from a Federal awarding agency or indirectly from a pass-through entity, as described in [2 CFR 200.101](#); or

(b) The cost-reimbursement contract under the Federal Acquisition Regulations that a non-Federal entity receives directly from a Federal awarding agency or indirectly from a pass-through entity, as described in [2 CFR 200.101](#).

(2) The instrument setting forth the terms and conditions. The instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (2) of the definitions of Federal financial assistance in [2 CFR 200.1](#), and this NOFO, or the cost-reimbursement contract awarded under the Federal Acquisition Regulations.

(3) Federal award does not include other contracts that a Federal agency uses to buy goods or services from a contractor or a contract to operate Federal Government owned, contractor operated facilities (GOCOs).

(4) See also definitions of Federal financial assistance, grant agreement, and cooperative agreement in [2 CFR 200.1](#).

**Federal Financial Assistance** has the same meaning defined at [2 CFR 200.1](#).

**Grants.gov** is the website serving as the Federal government's central portal for searching and applying for Federal financial assistance throughout the Federal government. Registration on Grants.gov is required for submission of applications to prospective agencies unless otherwise specified in this NOFO.

**Historically Black Colleges and Universities (HBCUs)** are any historically Black college or university that was established prior to 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress

toward accreditation. A list of accredited HBCUs can be found at the U.S. Department of Education's website.

**Minority-Serving Institutions (MSIs)** are

- (1) a part B institution (as defined in 20 U.S.C. § 1061(2));
- (2) a Hispanic-serving institution (as defined in 20 U.S.C. § 1101a(5));
- (3) a Tribal College or University (as defined in 20 U.S.C. § 1059c(b)(3));
- (4) an Alaska Native-serving institution or a Native Hawaiian-serving institution (as defined in 20 U.S.C. § 1059d(b));
- (5) a Predominantly Black Institution (as defined in 20 U.S.C. § 1059e(b)(6));
- (6) an Asian American and Native American Pacific Islander-serving institution (as defined in 20 U.S.C. § 1059g(b)(2)); or
- (7) a Native American-serving nontribal institution (as defined in 20 U.S.C. § 1059f(b)(2)).

**Non-Federal Entity (NFE)** means a state, local government, Indian tribe, Institution of Higher Education (IHE), or non-profit organization that carries out a Federal award as a recipient or subrecipient.

**Primary Point of Contact (PPOC)** is the person who may be contacted with questions about the application submitted by the AOR. The PPOC is listed in item 8F on the SF-424.

**Racial Equity** is the elimination of racial disparities and is achieved when race can no longer predict opportunities, distribution of resources, or outcomes – particularly for Black and Brown persons.

**Recipient** means an entity, usually but not limited to non-Federal entities, that receives a Federal award directly from HUD. The term recipient does not include subrecipients or individuals that are beneficiaries of the award.

**Small business** is defined as a privately-owned corporation, partnership, or sole proprietorship that has fewer employees and less annual revenue than regular-sized business. The definition of “small”—in terms of being able to apply for government support and qualify for preferential tax policy—varies by country and industry. The U.S. Small Business Administration defines a small business according to a set of standards based on specific industries. See [13 CFR part 121](#).

**Subaward** means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

**Subrecipient** means an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

**System for Award Management (SAM)** is the Federal Repository into which an entity must provide information required for the conduct of business as a recipient. Registration with SAM is required for submission of applications via Grants.gov. You can access the website at <https://www.sam.gov/SAM/>. There is no cost to use SAM.

**Threshold Requirements** are eligibility requirements that must be met for an application to be reviewed, rated, and ranked. Threshold requirements are not curable, except for documentation of applicant eligibility, which are listed in Section III.D., Threshold Eligibility Requirements. Similarly, there are eligibility requirements under Section III.E., Statutory and Regulatory Requirements Affecting Eligibility.

**Underserved Communities** has the meaning given to that term in Section 2(b) of Executive Order [13985](#) and refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the definition of “equity” above.

**Unique Entity Identifier (UEI)** means the identifier assigned by SAM to uniquely identify entities. As of April 4, 2022, the Federal government has transitioned from the use of the DUNS Number to the use of UEI, as the primary means of entity identification for Federal awards government-wide.

b. Program Definitions.

**At risk of eviction.** A household is at risk of eviction when situations occur that are likely to lead to a tenant or tenants involuntarily losing their residence or being forced to move or to set a tenant on imminent course to facing eviction, such as:

1. Evicting Party formally or informally warns or notifies tenant that tenant may be removed from the rental property, or that Evicting Party intends to commence or has commenced an eviction action through the courts or other means. The warning or notification need not be written and may impose conditions.
2. Evicting Party formally or informally notifies tenant of intent not to renew or extend lease in violation of local, state, or federal law. The notification need not be written and may impose conditions.
3. Subsidized or affordable housing provider terminates tenant’s housing assistance or notifies tenant or tenant’s household of their intention to terminate assistance, or tenant in income-based housing program believes they have been improperly assessed a monthly rental amount that exceeds their capacity to pay (e.g., difficulties with recertifying, obtaining hardship waivers, reasonable accommodation, etc.), or tenant is otherwise at risk of losing housing assistance.
4. Evicting Party engages in informal or illegal eviction activities, such as: lockouts, constructive eviction (e.g. neglecting housing conditions, withholding services, threatening or harassing tenants, utility shut off), or other self-help activities.
5. Evicting Party fails or refuses to intervene in discrimination or harassment by a third party that is likely to cause tenants to leave where the housing provider has a duty to intervene.
6. Tenant has experienced a disruption in income or has lost or been denied a financial benefit and is at imminent risk of having insufficient funds to pay rent on time or has already defaulted in the payment of rent.



7. Tenant has a disability and is at risk of displacement but believes a reasonable accommodation could prevent, halt or impact eviction proceedings.
8. Tenant is protected under Violence Against Women Act and believes that with those protections they could prevent, halt or impact eviction proceedings.

**Culturally Competent Services** means that information and services are provided in the language, educational, and cultural context that is most appropriate for the individuals for whom the information and services are intended.

**Culturally Specific Organization** is a community-based organization that serves a particular cultural community and is primarily led by members of that community. These organizations demonstrate an intimate knowledge of lived experience of the cultural community they serve.

**Evicting Party** is a landlord, owner of a residential property, Public Housing Authority, or other person or entity, including corporations, companies, associations, firms, partnerships, societies, joint ventures, joint stock companies, franchises and individuals, or agents thereof, that has, or purports to have, a legal right to pursue eviction or possessory action.

**Eviction** covers any forced removal or involuntary displacement of a Tenant from their dwelling and includes other terms that jurisdictions may use to describe eviction – unlawful detainer, summary possession, summary dispossession, summary process, forcible detainer, ejectment, and repossession, among other terms. Eviction includes formal, informal, and illegal evictions, whether or not occurring according to a formal court or administrative process.

**Legal assistance** includes activities undertaken prior to or after an eviction filing, as well as activities provided during or after eviction court or administrative processes, to prevent, divert, defend against, or lessen the negative consequences of an eviction, including all Eligible Services set forth in Section III.F., *Program-Specific Requirements*. Legal assistance activities may be new or ongoing and may include, for example, expanding service provision to new geographic areas or target communities or adding wraparound services to augment legal advice. Legal assistance activities under this NOFO may include services provided by individuals who are not certified legal professionals under the laws, regulations, or court or administrative rules of the tribunal or jurisdiction.

**Low-income** means family income must be less than or equal to 80% of the local area median income (AMI), as adjusted annually and posted as the Section 8 Income Limits for low-income households based on the number of persons in the household for each part of the country at <https://www.huduser.gov/portal/datasets/il.html>. The total family income, not solely the income of the head of the household, will be used to determine low-income eligibility. The low-income requirement does not include an asset limit.

**Rural.** For purposes of this NOFO, a rural area is any nonmetropolitan county as delineated by the Office of Management and Budget (OMB); nonmetropolitan areas fall outside metropolitan areas and tend to be more rural in nature. The list of nonmetropolitan counties that will be used for the purposes of this NOFO is available on the U.S. Department of Agriculture Economic Research Service website at <https://www.ers.usda.gov/data-products/rural-urban-continuum-codes/> (2013 Rural-Urban Continuum Codes file, updated 12/10/2020).

**Subject to eviction.** A tenant is subject to eviction when:

1. the Evicting Party has begun the eviction process pursuant to local law,



2. the tenant has been notified they will lose or be terminated from housing assistance,
3. the tenant has received an eviction judgment,
4. the tenant has been notified that they will be removed from the property by the Evicting Party, a sheriff, marshal or other law enforcement or private agent enforcing a civil eviction order or such party is engaging in self-help on behalf of the Evicting Party, or
5. the tenant has been evicted.

**Tenant** means a person or persons who resides, or recently resided, in or on real property that is intended for or used for residential use that they do not own. This includes a house, building, apartment, hotel or motel, mobile or manufactured housing, recreational vehicle or motor home, manufactured housing community, or other dwelling. It includes the owner of a movable housing unit if the person does not own the land on which the unit is sited. A formal, written lease is not required for a resident to be considered a tenant. Further, the reference to “tenant” means the occupant(s) of the property.

## **B. Authority**

The EPGP is authorized and funded by the Consolidated Appropriations Act, 2023 (Public Law 117–328, approved December 29, 2022) and the Consolidated Appropriations Act, 2024 (Public Law 118-42, approved March 9, 2024).

## **II. AWARD INFORMATION**

### **A. Available Funds**

Funding of approximately **\$40,000,000** is available through this NOFO. Subject to appropriations, HUD reserves the right to award fiscal year 2025 funds based on this NOFO competition.

Additional funds may become available for award under this NOFO consistent with VI.A.2.e., Adjustments to Funding. Use of these funds is subject to statutory constraints. All awards are subject to the funding restrictions contained in this NOFO.

Congress appropriated \$20,000,000 in FY 2023 and \$20,000,000 in FY 2024, under the Appropriations Acts cited in Section I.B.

Subject to the restrictions in Section II.C, HUD also reserves the right to re-open this NOFO with a new due date for the purpose of awarding FY 2025 and prior-year funds, as applicable.

### **B. Number of Awards**

HUD expects to make approximately 25 awards from the funds available under this NOFO.

The precise number of awards under this NOFO will depend on several factors: total funding available, 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 will be available to award to applicants who have not received FY 2021 or FY 2022 EPGP funds as an awardee or subrecipient.

Section V.B. describes our methodology used to make award determinations under this NOFO.

## **C. Minimum/Maximum Award Information**

This is a multi-year NOFO. At HUD's discretion, we will consider all applicants for FY 2023 and FY 2024 funds. 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.

Estimated Total Funding:

\$40,000,000

Minimum Award Amount:

\$500,000

Per Project Period

Maximum Award Amount:

\$2,500,000

Per Project Period

## **D. Period of Performance**

Estimated Project Start Date:

11/18/2024

Estimated Project End Date:

11/17/2026

Length of Project Periods:

24-month project period and budget period

Length of Periods Explanation of Other:

Not Applicable

## **E. Type of Funding Instrument**

Funding Instrument Type:

G (Grant)

## **III. ELIGIBILITY INFORMATION**

### **A. Eligible Applicants**

00 (State governments)

01 (County governments)

02 (City or township governments)

04 (Special district governments)

06 (Public and State controlled institutions of higher education)

07 (Native American tribal governments (Federally recognized))

11 (Native American tribal organizations (other than Federally recognized tribal governments))  
12 (Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education)  
13 (Nonprofits without 501(c)(3) status with the IRS, other than institutions of higher education)  
20 (Private institutions of higher education)  
25 (Others (see text field entitled "Additional Information on Eligibility" for clarification))  
Hispanic-serving Institution (HSIs)  
Historically Black Colleges and Universities (HBCUs)  
Tribally Controlled Colleges and Universities (TCCUs)  
Alaska Native and Native Hawaiian Serving Institutions (ANNH)  
U.S. territory or possession

### **Additional Information on Eligibility**

Within the categories of eligible entities, you must be a nonprofit organization or government entity; and must meet every *Threshold Eligibility Requirement*, outlined in Section III.D.

Examples of entities that may be eligible if requirements met:

1. Legal aid, bar association, or legal clinic provider;
2. Private nonprofit or state institution of higher education;
3. Housing counseling or other social service organization that provides legal assistance, as defined in Section I.A.4.b.; and
4. Local, state, or tribal agency or court.

Individuals, foreign entities, and sole proprietorship organizations, for-profit private institutions of higher education, public housing authorities, and tribally designated housing authorities are not eligible to compete for, or receive, awards made under this announcement.

### **Faith-based organizations**

(1) Faith-based organizations may apply for this award on the same basis as any other organization, as set forth at [24 CFR part 5.109](#), and subject to the protections and requirements of 42 U.S.C. § 2000bb et seq., HUD will not, in the selection of recipients, discriminate against an organization based on the organization's religious character, affiliation, or exercise.

(2) A faith-based organization that participates in this program will retain its independence and may continue to carry out its mission consistent with religious freedom and conscience protections in Federal law, including the Free Speech and Free Exercise Clauses of the Constitution, 42 U.S.C. § 2000bb et seq., 42 U.S.C. § 238n, 42 U.S.C. § 18113, 42 U.S.C. §§ 2000e-1(a) and 2000e-2, 42 U.S.C. § 12113(d), and the Weldon Amendment, among others. Religious accommodations may also be sought under many of these religious freedom and conscience protection laws, particularly under the Religious Freedom Restoration Act.

(3) A faith-based organization may not use direct financial assistance from HUD to support or engage in any explicitly religious activities except where consistent with the Establishment Clause and any other applicable requirements. Such an organization also may not, in providing

services funded by HUD, discriminate against a beneficiary or prospective program beneficiary on the basis of religion, religious belief, a refusal to hold a religious belief, or a refusal to attend or participate in a religious practice.

## **B. Ineligible Applicants**

Entities that do not meet the criteria of Section III.A. and *Threshold Eligibility Requirements* in Section III.D are ineligible. Entities that are ineligible include: individuals, foreign entities, sole proprietorship organizations, for-profit private institutions of higher education, public housing authorities, and tribally designated housing authorities.

## **C. Cost Sharing or Matching**

This Program does not require cost sharing or matching.

## **D. Threshold Eligibility Requirements**

Applicants who fail to meet any of the following threshold eligibility requirements are deemed ineligible. Applications from ineligible applicants are not rated or ranked and will not receive HUD funding.

### **1. Resolution of Civil Rights Matters**

Outstanding civil rights matters must be resolved before the application submission deadline. Applicants with unresolved civil rights matters at the application deadline are deemed ineligible. Applications from ineligible applicants are not rated or ranked and will not receive HUD funding.

a. An applicant is ineligible for funding if the applicant has any of the charges, cause determinations, lawsuits, or letters of findings referenced in subparagraphs (1) – (5) that are not resolved to HUD’s satisfaction before or on the application deadline date for this NOFO.

(1) Charges from HUD concerning a systemic violation of the Fair Housing Act or receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or local fair housing law proscribing discrimination because of race, color, religion, sex (including sexual orientation and gender identity), national origin, disability or familial status;

(2) Status as a defendant in a Fair Housing Act lawsuit filed by the United States alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance under 42 U.S.C. § 3614(a);

(3) Status as a defendant in any other lawsuit filed or joined by the Department of Justice, or in which the Department of Justice has intervened, or filed an amicus brief or statement of interest, alleging a pattern or practice or systemic violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, the Americans with Disabilities Act, Violence Against Women Act, or a claim under the False Claims Act related to fair housing, non-discrimination, or civil rights generally including an alleged failure to affirmatively further fair housing;

(4) Receipt of a letter of findings identifying systemic non-compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974; Violence Against Women Act; or the Americans with Disabilities Act; or

(5) Receipt of a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of provisions of a state or local law prohibiting discrimination in housing based on sexual orientation, gender identity, or lawful source of income.

b. HUD will determine if actions to resolve the charge, cause determination, lawsuit, or letter of findings taken before the application deadline date will resolve the matter. Examples of actions that may be sufficient to resolve the matter include, but are not limited to:

(1) Current compliance with a voluntary compliance agreement signed by all the parties;

(2) Current compliance with a HUD-approved conciliation agreement signed by all the parties;

(3) Current compliance with a conciliation agreement signed by all the parties and approved by the state governmental or local administrative agency with jurisdiction over the matter;

(4) Current compliance with a consent order or consent decree;

(5) Current compliance with a final judicial ruling or administrative ruling or decision; or

(6) Dismissal of charges.

## **2. Timely Submission of Applications**

Applications submitted after the deadline stated within this NOFO that do not meet the requirements of the grace period policy are marked late. Late applications are ineligible and are not considered for funding. See Section IV. D. Application Submission Dates and Times.

Application must be complete, including all required materials outlined in Section IV.B, *Content and Form of Application Submission*.

**3. Relevant Experience.** The primary applicant organization must have at least three years of experience providing legal assistance (defined in Section I.A.4.b.) to low-income individuals via in-house staff, volunteers, contractors, or consultants. Satisfy this requirement by listing your organization's years of experience in your Project Summary, see Section IV.B.1.a., *Content and Form of Application Submission*.

**4. Activities proposed in Project Plan must include Eligible Activities**, listed in, Section III.F, *Program-Specific Requirements*.

**5. Amount Requested.** You must provide the requested amount on your Grant Application Detailed Budget Worksheet (HUD-424-CBW). HUD will not review your application if the requested amount is over or under the *Minimum/Maximum Award Limits*, listed in Section II.C.

## **E. Statutory and Regulatory Requirements Affecting Eligibility**

### **Eligibility Requirements for Applicants of HUD's Financial Assistance Programs**

The following requirements affect applicant eligibility. Detailed information on each

requirement is found in the “[Eligibility Requirements for Applicants of HUD’s Competitive Programs](#)” document on HUD’s Funding Opportunities page. Applicants who fail to meet any of these eligibility requirements are deemed ineligible to receive HUD funding.

1. Universal Identifier and System for Award Management (SAM.gov) Requirements
2. Outstanding Delinquent Federal Debts
3. Debarments or Suspensions, or both
4. Mandatory Disclosure Requirement
5. Pre-selection Review of Performance
6. Sufficiency of Financial Management System
7. False Statements
8. Prohibition Against Lobbying Activities

In addition, each applicant under this NOFO must have the necessary processes and systems in place to comply with the Award Term in Appendix A of [2 CFR part 170](#) if the applicant receives an award, unless an exception applies as provided in [2 CFR 170.110](#).

## **F. Program-Specific Requirements**

### **1. Eligible Legal Assistance Activities and Services**

#### a. Legal representation, including:

- Legal representation in relation to legal filings and court or administrative proceedings, including negotiation, mediation, arbitration, and appeals.
- Representation and advice filing affirmative claims associated with eviction, such as habitability issues, illegal retaliation, income maintenance issues, unfair or deceptive violations of consumer protection, challenging probate matters, and addressing conditions causing constructive eviction.

#### b. Limited representation, counsel, and legal advice.

#### c. Legal representation, limited representation, counsel, and legal advice in relation to fair housing and civil rights matters and filing fair housing and civil rights complaints tied to eviction.

#### d. Advocate on behalf of tenants or assist tenants with advocating for their interests outside the courtroom to avoid eviction, or associated consequences, through formal or informal alternative dispute resolution, including mediation, arbitration, conciliation, negotiation, transaction, or settlement.

#### e. Post-eviction housing stability services, including:

- Advice or representation with lease termination matters (e.g., security deposit recovery).
- Assistance expunging, sealing, or correcting an eviction record, and assistance correcting a background check report that incorrectly or illegally reports eviction information.
- Assistance to tenants navigating the transition process in connection with vacating the rental property, including assistance finding and securing stable and safe housing, paperwork to arrange school transfers or enable students to remain at their current school,

arrangements for continuation of healthcare, referrals for assistance for moving expenses and storage, etc.

f. Court navigation services, including:

- Navigator, case worker, social worker, or advocate walking tenant through the eviction process and advocating on behalf of their interests.
- Court-run or court-adjacent help desk or hotlines providing referrals, non-legal guidance and assistance with the eviction process.

g. Stabilizing referrals or services to avoid eviction filing or judgment, or to reduce the negative impacts of an eviction. This may include:

- Assistance applying for and maintaining financial services and benefits, such as subsidized housing, rental assistance, and other public benefits.
- Assistance with housing subsidy issues that put a tenant at risk of eviction, such as subsidy termination or denial, income recertification, rent recalculation, or hardship waiver applications.
- Referrals to social service organizations, housing counseling, financial counseling, emergency housing, and related stabilizing systems.

h. Tenant education and outreach, including:

- Targeted education and outreach to tenants regarding rental housing rights and responsibilities, available resources, and the eviction process.
- Proactive identification and outreach to tenants at risk of eviction through direct methods (court watch, filings tracking, door knockers) and groups of households, neighborhoods, or census tracts identified as being at risk of eviction, based on local eviction filings or court data patterns, housing conditions complaint patterns, legal aid help line patterns, machine learning tools, or other surveys or data sources designed to track housing precarity.
- Train, support, or partner with tenant organizers, community-based organizations, culturally-specific or faith-based groups, social workers, eviction counselors, state and local government agencies, and others to educate tenants about their legal rights and help them navigate to legal assistance.

i. Collaboration or work to advance the development, improvement, or evaluation of tools, processes, education materials and trainings, and eviction prevention and protection programs, 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.

Your project must include at least one service among categories a. through e. above. Grantees or subrecipients may conduct eligible activities via in-house staff, contractors, consultants, or volunteers.

## **2. Ineligible Activities**

Funds awarded under this NOFO may not be used for:

- Lobbying.
- Payment of rent or other housing costs.

Section IV.F. explains these Funding Restrictions. Additional information on allowable costs will be provided to awardees via Terms and Conditions.

## **3. Participation Requirements of Grantees**

Successful applicants must agree to the following participation requirements:

- Comply with all applicable statutes, regulations, policies and award provisions, as well as applicable state or other licensing and certification requirements for providing the services covered by this NOFO. All persons providing legal services must comply with applicable state, local, and tribal laws and court rules.
- Collect, maintain, and provide to HUD qualitative narrative and benchmark data on services and impacts as well as quantitative data on clients served, services provided, and outcomes as defined in the grant Terms and Conditions.
- Track, maintain, and provide to HUD financial information on grant expenditures as defined in the grant Terms and Conditions.
- Cooperate fully with any research or evaluation sponsored by HUD or another government agency associated with this grant program, including preservation of project data and records and compiling requested information in formats provided by the researchers, evaluators or HUD. This may include the compiling of certain relevant local demographic and participant data. Participant data must be subject to the [Privacy Rule of the Health Insurance Portability and Accountability Act of 1996](#) (HIPAA).
- Maintain at least one staff member, contractor, consultant, or volunteer who has expertise in, and is responsible for, managing billing and reporting requirements for the EPGP grant.

## **Advancing Racial Equity**

In accordance with Executive Order [13985](#), Executive Order 14091, *Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal*



*Government*, and Federal fair housing and civil rights laws, your application must address the following:

- You analyzed the racial composition of the persons or households who are expected to benefit, directly or indirectly, from your proposed award activities;
- You identified any potential barriers to persons or communities of color equitably benefiting from your proposed award activities;
- You detailed the steps you will take to prevent, reduce, or eliminate these barriers; and
- You have measures in place to track your progress and evaluate the effectiveness of your efforts to advance racial equity in your award activities.

Note that any actions taken in furtherance of this section must be consistent with Federal nondiscrimination requirements.

Rating Factor: Applicants will address four bullets outlined in the paragraph above in response to Rating Factor 2.b.iii.

### **Affirmative Marketing and Outreach**

Any outreach or marketing conducted under a HUD award must be conducted broadly throughout the local area and nearby areas and targeted to reach any eligible persons in demographic groups that would be unlikely or least likely to be aware of the benefits of a HUD award absent such efforts, or entities that serve such groups. Such demographic groups may include, for example, Black and Brown persons or communities, individuals with limited English proficiency, individuals with disabilities, or families with children. Strategies for affirmative marketing or outreach include outreach through community contacts or service providers or at community centers serving the target population; and marketing on websites, social media channels, television, radio, and print media serving local members of the targeted group. You must submit a narrative describing the affirmative marketing/outreach activities that will be conducted if you are selected for a HUD award.

Applicants will address the issues outlined in the paragraph above in response to Rating Factor 2.b.i.

### **Experience Promoting Racial Equity**

In accordance with Executive Order 13985, Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Executive Order 14091, Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, and Federal fair housing and civil rights laws, your application must demonstrate that the applicant has the experience and/or the resources to effectively address the needs of underserved communities, particularly Black and Brown communities. This may include experience successfully working directly with such groups, experience designing or operating programs that equitably benefit such groups, or experience successfully advancing racial equity in other ways. This may also include experience soliciting, obtaining, and applying input from such groups when designing, planning, or implementing programs and activities.

Applicants will describe their past experience or resources to effectively meet the needs of underserved communities, particularly Black and Brown communities in response to Rating Factor 3.b.

### **Affirmatively Furthering Fair Housing**

With some exceptions for Federally recognized Indian tribes and their instrumentalities, the application must discuss how the applicant will carry out the proposed activities in a manner that affirmatively furthers fair housing in compliance with the Fair Housing Act and its implementing regulations and how applicants will meet the requirements of the definition of affirmatively furthering fair housing at 24 CFR 5.151. If the applicant will carry out proposed activities with an Assessment of Fair Housing (AFH), the proposed activities should be consistent with the AFH's fair housing goals and with fair housing strategies specified in the jurisdiction's Consolidated Plan or Public Housing Agency Plan.

Applicants will address this requirement in response to Rating Factor 2.b.iv.

## **G. Criteria for Beneficiaries.**

EPGP funds may only be used for activities targeted to benefit “tenants” who are “low income” and “at risk of eviction” or “subject to eviction.” Section I.A.4.b. defines each criterion.

Eviction Protection Grant Program Policy Guidance on determining beneficiary eligibility is available at <https://www.huduser.gov/portal/eviction-protection-grant.html#resources>

## **IV. APPLICATION AND SUBMISSION INFORMATION**

### **A. Obtain an Application Package**

#### **Instructions for Applicants**

All application materials, including the Application Instructions and Application Package, are available through Grants.gov. You must access and review all available application materials. You must submit your application electronically via Grants.gov under the Funding Opportunity Number cited within this NOFO. Your application must list the applicable Funding Opportunity Number.

You can request a waiver from the requirement for electronic submission, if you demonstrate good cause. An example of good cause may include: a lack of available Internet access in the geographic area in which your business offices are located. However, lack of SAM registration or valid UEI is not good cause. If you cannot submit your application electronically, you must ask in writing for a waiver of the electronic application submission requirements. HUD will not grant a waiver if you fail to submit to HUD by email or postmark by mail a request for a waiver at least 15 calendar days before the application deadline. If HUD grants a waiver, a paper application must be received before the deadline for this NOFO. To request a waiver, you must contact:

Name:

Carol Gilliam

Email:

EvictionProtectionGrant@hud.gov

HUD Organization:

PD&R

Street:

451 7th Street SW

City:

Washington

State:

DC DISTRICT OF COLUMBIA

Zip:

20410

### **Application Information**

We encourage you to review the solicitation and submit any questions to [EvictionProtectionGrant@hud.gov](mailto:EvictionProtectionGrant@hud.gov) with the subject “Questions for EPGP FY23–24 NOFO.”

Please check the [EPGP website](https://www.huduser.gov/portal/eviction-protection-grant.html#resources) for resources and announcements related to the NOFO: <https://www.huduser.gov/portal/eviction-protection-grant.html#resources>. We will post and update EPGP NOFO FAQs on a rolling basis as needed to answer applicant questions.

## **B. Content and Form of Application Submission**

You must verify that boxes 11, 12, and 13 on the SF-424 match the NOFO for which you are applying. If they do not match, you have downloaded the wrong Application Instruction and Application Package.

Submission of an application that is otherwise sufficient, but is under the wrong Assistance Listing and Funding Opportunity Number is a Non-Curable Deficiency, and will be rejected, unless otherwise stated under the Threshold requirements section. When applying with a UEI that does not match the organization name as registered in sam.gov will result in an ineligible applications.

### **1. Content**

<b>Forms/Assurances/Certifications</b>	<b>Submission Requirement</b>	<b>Notes/Description</b>
Application for Federal Assistance (SF-424)	This form is required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.
Applicant and Recipient Assurances and Certifications (HUD 424-B)	This form is required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.
Applicant/Recipient Disclosure/Update Report (HUD 2880)	This form is required.	Review section IV.B.2.a. of this NOFO for detailed application requirements.
Certification Regarding Lobbying Activities	This form is required.	

Forms/Assurances/Certifications	Submission Requirement	Notes/Description
Grant Application Detailed Budget Worksheet (HUD-424-CBW)	This form is required.	This form is contained within the Instruction Package.
Disclosure of Lobbying Activities (SF-LLL)	Review section IV.G. of this NOFO for detailed submission requirements.	Federally recognized Indian tribes and tribally designated housing entities (TDHEs) established by federally recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, but state-recognized Indian tribes and TDHEs established only under state law shall comply with this requirement.

Additionally, you must include the following narratives and non-form materials with your application.

a. Project Summary

A one-page summary of your proposed project. This summary must include:

- i. A brief description of your proposed project, including its purpose, primary legal assistance activities, expected outcomes, any subrecipients, and total funds requested.
- ii. The geographic service area of your project, which may be local, regional, state, multistate, or tribal. If the project service area is smaller than statewide, list all counties your project will serve.
- iii. Whether your project will serve eligible tenants in rural areas.
- iv. The number of years of experience your organization has providing legal assistance, as defined in Section I.A.4.b., to low-income individuals. *See* Section III.D.3., *Threshold Eligibility Requirements*.
- v. Whether you are an existing EPGP awardee or subrecipient.

You may use the [optional Project Summary template](#) to complete this application component.

HUD will use portions of your Project Summary for *Threshold Eligibility Review* (Section III.D.) and *Adjustments to Merit Review* (Section V.B.3.), so you must include each item above. We will not consider your Project Summary in scoring your Narrative Response. Your Project Summary will not count towards the Narrative Response page limit.

b. Narrative Response to Rating Factors

A Narrative Response of no more than 25 pages, addressing all Rating Factor prompts outlined in Section V.A.1. Use headings to corresponding Rating Factors and Sub-factors to clearly identify your response to each. Information that you wish to be scored must be under the appropriate Rating Factor.

You must format your Narrative Response per Section IV.B.3. We will not consider any content in the Narrative Response that exceeds the 25-page limit. You may use the [optional Narrative Response template](#) to complete this application component.

Your application will form the basis of your Action Plan if selected for an EPGP grant. Thus, you should provide reasonably accurate projections of your project benchmarks, services, measures, outcomes, and budget.

c. Required Supporting Materials

Include as appendices the following materials to support your Narrative Response, which will not count toward the 25-page limit:

- i. *Activities, Measures, and Expected Outcomes Chart* describing your project activities and corresponding responsible organization(s), measures, and expected outcomes corresponding to Rating Factor 2.a. You may use the [optional Activities, Measures, and Expected Outcomes Chart template](#) to complete this application component.
- ii. *Quarterly Project Timeline* supporting your Project Plan, corresponding to Rating Factor 2.a. You may use the [optional HUD Form 52699 Benchmarks Plan and Report](#) to complete this application component.
- iii. *Letter of Support* from one project collaborator, corresponding to Rating Factor 2.c.
- iv. *Resumes* for up to 5 key personnel from your organization. If your project includes subrecipients, you must also provide resumes for up to 3 key personnel of subrecipients. Each individual resume cannot exceed 3 pages. Exceeding the page limits will not disqualify an applicant; however, HUD will not consider the information on any excess pages, which may result in a lower score.
- v. *Grant Application Detailed Budget Worksheet (HUD-424-CBW)* for each applicant and proposed subrecipient displaying all anticipated costs during the 2-year performance period, including an indirect cost rate.
- vi. *Documentation of MSI Status and Letter of Commitment*, if seeking preference points for applicant designed as an MSI (including HBCUs) or applicant partnering with an MSI (including HBCUs). Preference criteria and documentation requirements described in Section V.A.2., *Policy Initiative Preference Points*.

Since complete and timely application submission is a *Threshold Eligibility Requirement* (see Section III.D.3), omission of required forms or non-form materials is not curable, except for documentation of applicant eligibility.

## **2. Other Submission Requirements**

### **a. Standard Application, Assurances, Certifications and Disclosures**

#### **(1) Standard Form 424 (SF-424) Application for Federal Assistance**

The SF-424 is the government-wide form required to apply for Federal assistance programs, discretionary awards, and other forms of financial assistance programs. You must complete and submit the form with the other required forms and information as directed in this NOFO.

By signing the forms in the SF-424 either through electronic submission or in paper copy submission (for those granted a waiver), you and the signing authorized organization representative affirm that you both have reviewed the certifications and assurances associated

with the application for Federal assistance and (1) are aware the submission of the SF-424 is an assertion that the relevant certifications and assurances are established and (2) acknowledge that the truthfulness of the certifications and assurances are material representations upon which HUD will rely when making an award to the applicant. If it is later determined the signing authorized organization representative to the application made a false certification or assurance, caused the submission of a false certification or assurance, or did not have the authority to make a legally binding commitment for the applicant, the applicant and the individual who signed the application may be subject to administrative, civil, or criminal action. Additionally, HUD may terminate the award to the applicant organization or pursue other available remedies. Each applicant is responsible for including the correct certifications and assurances with its application submission, including those applicable to all applicants, those applicable only to Federally recognized Indian tribes, or Alaskan native villages and those applicable to applicants other than Federally recognized Indian tribes, or Alaskan native villages.

## **(2) Assurances (HUD 424-B)**

By submitting your application, you provide assurances that, if selected to receive an award, you will comply with U.S. statutory and other requirements, including, but not limited to civil rights requirements. All recipients and subrecipients of the award are required to submit assurances of compliance with Federal civil rights requirements. *See, e.g.,* Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, Violence Against Women Act, and the Age Discrimination Act of 1975; *see also* [24 CFR §§ 1.5; 3.115; 8.50; and 146.25](#). HUD accepts these assurances in the form of the HUD 424-B, which also require compliance with HUD Reform Act requirements and all general Federal nondiscrimination requirements in the administration of the Federal assistance award.

## **(3) Applicant Disclosure Report Form 2880 (HUD 2880)**

The form HUD 2880 is required if you are applying for assistance within the jurisdiction of HUD to any project subject to Section 102(d) of the HUD Reform Act . Assistance is provided directly by HUD to any person or entity, but not to subrecipients. It includes assistance for the acquisition, rehabilitation, operation, conversion, modernization, renovation, or demolition of any property containing five or more dwelling units that is to be used primarily for residential purposes. It includes assistance to independent group residences, board and care facilities, group homes and transitional housing but does not include primarily nonresidential facilities such as intermediate care facilities, nursing homes and hospitals. It also includes any change requested by a recipient in the amount of assistance previously provided, except changes resulting from annual adjustments in Section 8 rents under Section 8(c)(2)(A) of the United States Housing Act of 1937 ([42 U.S.C. § 1437f](#)). [See 24 CFR part 4 for additional information.](#)

## **(4) Code of Conduct**

Both you, as the award recipient, and all subrecipients must have a code of conduct (or written standards of conduct). The code of conduct must comply with the requirements included in the “Conducting Business in Accordance with Ethical Standards” section of the Administrative, National and Department Policy Requirements and Terms for HUD Financial Assistance Awards-- 2024, as well as any program-specific requirements. These requirements include ethical standards related to conflicts of interest for procurements in [2 CFR 200.318\(c\)](#) and [2 CFR 200.317](#), as well as HUD-specific conflict of interest standards. HUD maintains a list of

organizations that have previously submitted written standards of conduct on its [Code of Conduct for HUD Grant Programs webpage](#). But it is your responsibility to ensure that the standards are compliant with the noted requirements and that HUD has the latest version of the written standards. Updated written standards should be submitted with the application. Any updates to your written standards, after the application period, should be submitted as directed by the HUD program contact for this NOFO.

### **(5) False Statements**

Applicant understands that providing false or misleading information during any part of the application, award, or performance phase of an award may result in criminal, civil or administrative sanctions, including but not limited to: fines, restitution, and/or imprisonment under 18 USC 1001, 18 USC 1012, or 18 USC 287; treble damages and civil penalties under the False Claims Act, 31 USC 3729 et seq.; double damages and civil penalties under the Program Fraud Civil Remedies Act, 31 USC 3801 et seq.; civil recovery of award funds; suspension and/or debarment from all federal procurement and non-procurement transactions, FAR Part 9.4 or 2 CFR Part 180; and other remedies including termination of active HUD award.

### **(6) Lobbying Activities**

Applicants are subject to the provisions of Section 319 of Public Law 101-121, 31 U.S.C. 1352, (the Byrd Amendment), and 24 CFR part 87, which prohibit recipients of federal awards from using appropriated funds for lobbying the executive or legislative branches of the Federal government in connection with a Federal award. All applicants must submit with their application the signed “Certification Regarding Lobbying” form. In addition, applicants must disclose, using Standard Form LLL (SF-LLL), “Disclosure of Lobbying Activities,” any funds, other than federally appropriated funds, that will be or have been used to influence federal employees, members of Congress, or congressional staff regarding specific awards. Federally recognized Indian tribes and tribally designated housing entities (TDHEs) established by Federally recognized Indian tribes as a result of the exercise of the tribe’s sovereign power are excluded from coverage of the Byrd Amendment, but state-recognized Indian tribes and TDHEs established only under state law shall comply with this requirement.

Section IV.F. explains funding restrictions for lobbying activities.

### **3. Format and Form**

Narratives and other attachments to your application must follow the following format guidelines. Do not submit password protected or encrypted files.

25 Pages maximum length of narratives

Other

- On 8-1/2 x 11-inch page
- Minimum 12-point Times New Roman font
- Minimum margin width of 1-inch on all sides
- Minimum of single line spacing
- Include page numbers for your Narrative Response.



## C. System for Award Management (SAM) and Unique Entity Identifier (UEI)

### 1. SAM Registration Requirement

You must register at [www.sam.gov](http://www.sam.gov) before submitting an application. You must maintain current information in SAM on immediate and highest-level owner and subsidiaries, as well as on all predecessors that a Federal award within the last three years, if applicable. Information in SAM must be current for all times during which you have an active Federal award or an application or plan under consideration by HUD.

### 2. UEI Requirement

All entities doing business with the Federal government must use the UEI created in SAM.gov. Your application must include a valid UEI that is registered and active at [www.sam.gov](http://www.sam.gov). For more information, see: <https://www.gsa.gov/about-us/organization/Federal-acquisition-service/office-of-systems-management/integrated-award-environment-iae/iae-systems-information-kit/unique-entity-identifier-update>. **When submitting an application with a UEI that does not match the organization name as registered in sam.gov will result in an ineligible application.**

### 3. Requirement to Register with Grants.gov

Anyone planning to submit applications on behalf of an organization must register at Grants.gov and be approved by the E-Biz POC in SAM to submit applications for the organization. Registration for SAM and Grants.gov is a multi-step process and can take four (4) weeks or longer to complete if data issues arise. Applicants without a valid registration cannot apply through Grants.gov. Complete registration instructions and guidance are provided on Grants.gov.

## D. Application Submission Dates and Times

### 1. Application Due Date Explanation

The application deadline is 11:59:59 PM Eastern time on

08/20/2024

Submit your application to Grants.gov unless a waiver has been issued allowing you to submit a paper application. Instructions for submitting your paper application will be contained in the waiver of electronic submission.

“Received by Grants.gov” means the applicant received a confirmation of receipt and an application tracking number from Grants.gov. Grants.gov then assigns an application tracking number and date-and timestamp each application upon successful receipt by the Grants.gov system. A submission attempt not resulting in confirmation of receipt and an application tracking number is not considered received by Grants.gov.

Applications received by Grants.gov must be validated by Grants.gov to be received by HUD.

“Validated by Grants.gov” means the application has been accepted and was not rejected with errors. You can track the status of your application by logging into Grants.gov, selecting “Applicants” from the top navigation, and selecting “Track my application” from the dropdown list. If the application status is “rejected with errors,” you must correct the error(s) and resubmit the application before the 24-hour grace period ends. Applications in “rejected with errors” status



after the 24-hour grace period expires will not be received by HUD. Visit Grants.gov for a complete description of processing steps after applying.

HUD strongly recommends you review your application before you submit it at Grants.gov. Also, HUD recommends you submit your application at least **48 hours before the deadline** and during regular business hours to allow enough time to correct errors or overcome other problems.

## **2. Grants.gov Customer Support**

Grants.gov provides customer support information on its website at <https://www.grants.gov/web/grants/support.html>. If you have difficulty accessing the application and instructions or have technical problems, contact Grants.gov customer support center by calling (800) 518-GRANTS (this is a toll-free number) or by sending an email to [support@grants.gov](mailto:support@grants.gov). The customer support center is open 24 hours a day, seven days per week, except Federal holidays. Individuals who are deaf or hard of hearing, as well as individuals who have speech or other communication disabilities may use a relay service to reach Grants.gov Customer Support. To learn more about how to make an accessible telephone call, visit the [webpage for Federal Communications Commission](#).

## **3. Grants.gov Application Submission**

You can verify the contents of your submitted application to confirm Grants.gov received everything you intended to submit. To verify the contents of your submitted application:

- Log in to Grants.gov.
- Click the Check Application Status link, which appears under the Grant Applications heading in the Applicant Center page. This will take you to the Check Application Status page.
- Enter search criteria and a date range to narrow your search results.
- Click the Search button. To review your search results in Microsoft Excel, click the Export Data button.
- Review the Status column. To view more detailed submission information, click the Details link in the Actions column.
- To download the submitted application, click the Download link in the Actions column.

Take note of the Grants.gov tracking number, as it is needed by the Grants.gov customer support center should you seek their assistance.

HUD may extend the application deadline for any program if Grants.gov is offline or not available to applicants for at least 24 hours immediately prior to the deadline date, or the system is down for 24 hours or longer and impacts the ability of applicants to cure a submission deficiency within the grace period.

HUD may also extend the application deadline upon request if there is a presidentially declared disaster in the applicant's area.

If these events occur, HUD will post a notice on its website establishing the new, extended deadline for the affected applicants. HUD will also publish the extension on Grants.gov.

In determining whether to grant a request for an extension based on a presidentially declared disaster, HUD will consider the totality of the circumstances including the date of an applicant's

extension request (how closely it followed the basis for the extension), whether other applicants in the geographic area are similarly affected by the disaster, and how quickly power or services are restored to enable the applicant to submit its application.

**NOTE:** Busy servers, slow processing, large file sizes, improper registration or password issues are not valid circumstances to extend the deadline dates or the grace period.

#### **4. Amend or Revise an Application**

Before the submission deadline, you may amend a validated application through Grants.gov by submitting a revised and complete application including the new or changed material. The revised application must be received and validated by Grants.gov by the applicable deadline.

If HUD receives an original and a revised application for a single proposal, HUD will evaluate only the last submission received by Grants.gov before the deadline.

#### **5. Grace Period for Grants.gov Submissions**

If your application is received by Grants.gov before the deadline, but is rejected with errors, you have a grace period of 24 hours after the application deadline to submit a corrected, received, and validated application through Grants.gov. The date and time stamp on the Grants.gov system determines the application receipt time. Any application submitted during the grace period but not received and validated by Grants.gov will not be considered for funding. There is no grace period for paper applications.

#### **6. Late Applications**

An application received after the NOFO deadline date that does not meet the Grace Period requirements will be marked late and will not be reviewed by HUD for funding

consideration. Improper or expired registration and password issues are not sufficient causes to allow HUD to accept applications after the deadline date.

#### **7. Corrections to Deficient Applications**

HUD will not consider information from applicants after the application deadline except for curable deficiencies.

HUD will uniformly notify applicants of each curable deficiency. See curable deficiency definition in section I.A of this NOFO. Examples of curable (correctable) deficiencies include inconsistencies in the funding request and failure to submit required certifications. These examples are non-exhaustive.

When HUD identifies a curable deficiency, HUD will notify the authorized organization representative identified on the SF-424 Application for Federal Assistance via email. This email is the official notification of a curable deficiency.

You must email corrections of Curable Deficiencies to [applicationsupport@hud.gov](mailto:applicationsupport@hud.gov) within the time limits specified in the notification. The time allowed to correct deficiencies will be no less than 48 hours and no more than 14 calendar days from the date of the email notification. The start of the cure period will be the date stamp on the email sent from HUD. If the deficiency cure deadline date falls on a Saturday, Sunday, Federal holiday, or on a day when HUD's

Headquarters are closed, then the applicant's correction must be received on the next business day HUD Headquarters offices in Washington, DC are open.

The subject line of the email sent to [applicationsupport@hud.gov](mailto:applicationsupport@hud.gov) must state: Technical Cure and include the Grants.gov application tracking number or the GrantSolutions application number (e.g., Subject: Technical Cure - GRANT123456 or Technical Cure - XXXXXXXXXXXX). If this information is not included, HUD cannot match the response with the application under review and the application may be rejected due to the deficiency.

Corrections to a paper application must be sent in accordance with and to the address indicated in the notification of deficiency. HUD will treat a paper application submitted in accordance with a waiver of electronic application containing the wrong UEI as having a curable deficiency. Failure to correct the deficiency and meet the requirement to have a UEI and active registration in SAM will render the application ineligible for funding.

## **8. Authoritative Versions of HUD NOFOs**

The version of this NOFO posted on Grants.gov includes the official documents HUD uses to solicit applications.

## **9. Exemptions**

Parties that believe the requirements of the NOFO would impose a substantial burden on the exercise of their religion should seek an exemption under the [Religious Freedom Restoration Act](#) (RFRA).

## **E. Intergovernmental Review**

This program is not subject to Executive Order 12372, Intergovernmental Review of Federal Programs.

## **F. Funding Restrictions**

### **1. Allowable Costs**

EPGP funds can only be used for allowable costs as defined in [2 CFR 200.403](#) and further detailed in the Terms and Conditions, such as costs necessary and reasonable to carry out *Eligible Legal Assistance Activities and Services*, listed in Section III.F. See also, 2 CFR 200 Subpart E for cost principles.

EPGP funds cannot be used to pay rent or rental assistance to, or for the benefit of, tenants or the Evicting Party or other rental fees or costs, including utilities or repairs, or court fees or litigation costs that may become transferable to the Evicting Party.

Costs incurred prior to award cannot be charged to the award. Grantees may not use EPGP funds to double bill for activities that are fully and contemporaneously funded by a different source.

#### **a. Direct Costs**

As defined in [2 CFR 200.413](#), direct costs are those that can be identified specifically with a particular final cost objective, such as a federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of

accuracy. You will need to specify costs in your *Budget Narrative and Budget Worksheet*, see Rating Factor 4.

Examples of direct costs usually chargeable to EPGP grants include:

- Compensation of employees for the time devoted specifically to award performance and associated fringe benefits.
- Materials bought, consumed, or spent specifically for the award.
- Equipment necessary to carry out the award.
- Travel expenses necessary to carry out the award.
- Translation and interpretation necessary to carry out the award.
- Information technology systems and services necessary to carry out the award.
- Litigation costs, such as costs of gathering evidence, necessary to carry out the award.
- Reasonable transportation costs, such as public transportation passes, to support a tenant's ability to take part in eligible services.
- Professional licensing fees, professional liability insurance, and professional development costs, such as conference and travel costs or training in eligible services or skills, necessary to carry out the award.
- Outreach, educational, and marketing materials to carry out the award.

You may use EPGP funds for the lease or rental of space for eligible activities if each of the following conditions is met:

1. The lease must be for existing facilities not requiring rehabilitation or construction except for minimal alterations to make the facilities accessible to and usable by individuals with disabilities;
2. no repairs or renovations of the property may be undertaken with grant funds; and
3. properties in the Coastal Barrier Resources System designated under the Coastal Barrier Resources Act ([16 U.S.C. 3501](#)) cannot be leased or rented with federal funds.

Administrative and clerical staff salaries may be treated as direct costs if each of the following conditions are met:

1. Administrative or clerical services are integral to *Eligible Legal Assistance Activities and Services* (Section III.F.), such as conducting work with tenants, coordinating with other organizations serving tenants, or maintaining client files;
2. Individuals involved can be specifically identified with the activity;
3. Such costs are explicitly included in the budget or have the prior written approval of HUD; and
4. The costs are not also charged as indirect costs.

b. Indirect Costs

Indirect costs are costs incurred for common or joint purposes, such as general overhead and costs of general management, oversight, and coordination. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. Examples of indirect costs:

- Fiscal tracking of grants funds.

- Accounting staff wages and benefits.
- Depreciation of office equipment, general insurance, and general office supplies incurred for common or joint purposes.

One hundred percent of the salaries and fringe benefits related to general management or oversight functions serving a common or joint purpose are indirect costs. Salaries and benefits related to implementing your project or program elements of your grant agreement are direct costs.

## **2. Lobbying Restrictions**

Eviction Protection Grant Program Policy Guidance on lobbying restrictions is available at <https://www.huduser.gov/portal/eviction-protection-grant.html#resources>.

### **Indirect Cost Rate**

Normal indirect cost rules under 2 CFR part 200, subpart E apply. If you intend to charge your indirect costs to the award, your application must clearly state the rate and distribution base you intend to use. If you have a Federally negotiated indirect cost rate, your application must also include a letter or other documentation from the cognizant agency showing the approved rate. Successful applicants whose rate changes after the application deadline must submit the new rate and documentation to assure the award agreement incorporates the applicable rate.

Applicants other than state and local governments. If you have a Federally negotiated indirect cost rate, your application must clearly state the approved rate and distribution base and must include a letter or other documentation from the cognizant agency showing the approved rate. If your organization does not have a current negotiated rate (including provisional rate) and elects to use the de minimis rate, your application must clearly state you intend to use the de minimis rate of 10% of Modified Total Direct Costs (MTDC), as defined at 2 CFR 200.1. Costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both, as described in 2 CFR 200.403. Once elected, the de minimis rate must be applied consistently for all Federal awards until the organization chooses to negotiate a rate, which the organization may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

State and local governments. If your department or agency unit has a Federally negotiated indirect cost rate, your application must include that rate, the applicable distribution base, and a letter or other documentation from the cognizant agency showing the negotiated rate. If your department or agency unit receives more than \$35 million in direct Federal funding per year, you may not claim indirect costs until you receive a negotiated rate from your cognizant agency for indirect costs as provided in Appendix VII to 2 CFR part 200.

If your department or agency unit receives no more than \$35 million in direct Federal funding per year and your department or agency unit has developed and maintains an indirect cost rate proposal and supporting documentation for audit in accordance with 2 CFR part 200, Appendix VII, you may use the rate and distribution base specified in that indirect cost rate proposal.

Alternatively, if your department or agency unit receives no more than \$35 million in direct Federal funding per year and does not have a current negotiated rate (including provisional) rate, you may elect to use the de minimis rate of 10% of MTDC. As described in 2 CFR 200.403(d), costs must be consistently charged as either indirect or direct costs but may not be double

charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until your department or agency chooses to negotiate for a rate, which you may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.

#### **G. Other Program-specific Requirements**

None

## **V. APPLICATION REVIEW INFORMATION**

### **A. Review Criteria**

#### **1. Rating Factors**

Carefully read Section IV.B., *Content and Form of Application Submission*, for instructions on how to develop your Narrative Response to these Rating Factors. Each Rating Factor prompt describes the criteria we will use to evaluate your response to that Rating Factor and Sub-Factor. Reviewers will also consider whether your responses are complete, clearly articulated, and well-supported.

We score each Rating Factor independently, so please follow the organization of these Rating Factors. The maximum points we will award any application is 102. To be considered for funding, your application must receive at least 75 points overall and the minimum points for each Rating Factor.

<b>Rating Factors</b>	<b>Maximum Points</b>	<b>Minimum Points</b>
<b>Rating Factor 1: Need and Extent of Problem</b>	<b>10</b>	<b>8</b>
a. Eviction Risks and Disparities	6	
b. Eviction Protection Service Needs	4	
<b>Rating Factor 2: Sound Project Plan</b>	<b>45</b>	<b>35</b>
a. Logic Model	30	
b. Affirmative Marketing and Outreach and Advancing Equity	12	
c. Partnerships and Collaboration	3	
<b>Rating Factor 3: Capacity and Experience</b>	<b>35</b>	<b>25</b>
a. Organization Experience Providing Eviction Protection Services	10	
b. Experience Promoting Equity	8	
c. Staffing Plan and Expertise	12	
d. Data Collection, Reporting, and Evaluation Plan	5	

<b>Rating Factor 4: Budget</b>	<b>10</b>	<b>7</b>
a. Budget Narrative	6	
b. Budget Worksheet	4	
<b>Preference Points</b>	<b>2</b>	
Minority Serving Institutions (includes HBCUs)	<b>2</b>	
<b>Total</b>	<b>102</b>	<b>75</b>

**FACTOR 1: NEED AND EXTENT OF PROBLEM      10 Points Maximum, 8 Minimum**

HUD will prioritize projects in service areas with: (a) persistent high rates of tenants at risk of or subject to eviction; and (b) unmet eviction prevention and protection needs. Please provide current, thorough, credible, and appropriate data and source information available for your service area. You should demonstrate an understanding of pressing local needs, especially for individuals and families disproportionately at risk of or subject to eviction and lacking access to protections.

**1.a. Eviction Risk and Disparities (6 points max.)**

- i. ***Eviction Risk in Target Service Area.*** Identify the geographic service area where you intend to provide eviction prevention services, which may be local, regional, state, multistate, or tribal. What percentage of tenants in your target service area are at risk of or subject to eviction (as defined in Section I.A.4.b.)? To the extent possible, compare the data in your target service area to comparable state and/or national data. To receive full points, reference evidence supporting your identified need. This may include national-, state-, regional-, tribal-, or local-level administrative or survey data on eviction filings or court data patterns, likelihood of eviction, late rental payments, forced moves or pressures to move, housing conditions complaint patterns, legal aid help line patterns, or other data sources designed to track rental housing precarity. (3 points max.)
- ii. ***Eviction Disparities.*** Describe disparities in eviction risk faced by underserved populations or communities (defined in Section I.A.4.a.) in your service area. Address each of the following populations found to disproportionately face eviction nationally – Black and Brown communities, individuals with limited English proficiency, individuals with disabilities, families with children, and/or rural communities, if included in the project service area. You may also address disparities faced by other underserved communities listed in the definition of “Equity” (Section I.A.4.a.). To receive full points, identify any distinct eviction-related needs faced by these populations or factors contributing to these disparities in the project service area. (3 points max.)

**1.b. Eviction Protection Service Needs (4 points max.)**

What percentage of tenants subject to eviction in your target service area receive legal representation? Describe eviction laws, court policies and procedures, and existing eviction protection work in your service area. Outline at least one eviction protection intervention that is not currently implemented or needs improvement that you would pursue or improve with



this grant. What barriers prevent you from implementing or improving this intervention in the absence of this funding support?

## **FACTOR 2: SOUND PROJECT PLAN      45 Points Maximum, 35 Minimum**

Your project plan must provide the mix of legal assistance services necessary to meet the localized need of your community, described in response to Rating Factor 1. Successful project plans are grounded in theoretical and/or practical research, designed to meet the needs of eligible tenants in the applicant's service area, and have a high likelihood of achieving the objectives of the Eviction Protection Grant Program.

### **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:

- i. **Project Objectives.** List the objectives of your project. There must be a direct and substantial relationship between your proposed project and the documented needs in your service area, described in response to Rating Factor 1. (3 points max.)
- ii. **Target Population.** Identify the subset(s) of eligible beneficiaries in your target service area whom your project will benefit, being as specific as possible. If the project service area is smaller than statewide, list all counties to be served. Explicitly state whether your project will serve tenants in rural areas, as defined in Section I.A.4.b. (3 points max.)
- iii. **Activities, Measures, and Expected Outcomes (supporting materials).** Complete columns A, B, C, and D in the following chart to describe in detail your project activities and corresponding responsible organization(s), measures, and expected outcomes as part of the *Supporting Materials*, see Section IV.B.1.c. Reviewers will consider this for scoring, but it will not count toward your Narrative Response page limit (20 points max.)

<b>Column A: Activities</b> Clearly indicate which services you will undertake from the list of Eligible Legal Assistance Activities, Section III.F.1. Briefly describe <i>how</i> you will implement each legal assistance service. Provide concrete examples.	<b>Column B: Responsible Organization(s)</b> Name the organization(s) responsible for implementing each activity in Column A. This should be the awardee and any subrecipients conducting such activity.	<b>Column C: Measures</b> Quantify the number of households you expect to serve or the number of events expected, as applicable, for each activity in Column A.	<b>Column D: Expected Outcomes</b> Describe the expected outcomes that your project plans to bring about for each activity in Column A. This may include short-, intermediate, and long-term outcomes. Outcomes may be systemic (e.g., improvements in court policies or practices) or individual (e.g., reduced eviction filings or default judgments). See <a href="#">HUD Form 52698</a> .



a. Legal representation		# households to be served	
b. Limited representation, counsel, and legal advice		# households to be served	
c. Legal representation, limited representation, counsel, and legal advice in relation to fair housing and civil rights matters		# households to be served	
d. Alternative dispute resolution advocacy		# households to be served	
e. Post-eviction housing stability services		# households to be served	
f. Court navigation services		# households to be served	
g. Stabilizing referrals or services to avoid eviction filing or judgment, or to reduce the negative impacts of an eviction		# households to be served	
h. Tenant education and outreach		# households to be served; # education or outreach events	
i. Collaboration or work to advance eviction prevention and protection tools or programs		# collaboration events; # individuals using tools	

iv. **Quarterly Timeline** (*Supporting Materials*). Provide a quarterly timeline outlining the proposed activities required to successfully implement your project as part of the *Supporting Materials*, see Section IV.B.1.c. Reviewers will consider this for scoring, but it will not count toward your Narrative Response page limit. To assist applicants with this requirement, HUD has created the optional HUD Form [52699 Benchmarks Plan and Report](#). (4 points max.)

## 2.b. **Affirmative Marketing and Outreach and Advancing Equity** (12 points max.)

You must effectively inform residents throughout your entire target service area of your legal assistance services and tailor your outreach to eligible tenants in demographic groups least likely to be aware of your services or who face barriers to accessing legal assistance.

- i. ***Affirmative Marketing and Outreach.*** Describe your outreach and marketing strategies to reach eligible tenants across your entire target service area. Describe your strategies to increase legal assistance utilization among demographic groups in your service area who

are less likely to be aware of, seek out, or utilize legal assistance, as identified in your response to Factor 1. (2 points max.)

- ii. **Meaningful access.** Describe actions you will take to fulfill your obligation to provide meaningful access to your services for clients with limited English proficiency (see [HUD Guidance on LEP](#)); and to ensure effective communication and reasonable accommodations for individuals with disabilities. (1 point max.)
- iii. **Advancing Racial Equity.** Outline the racial composition of the persons or households you intend to serve and describe barriers to persons or communities of color in your service area to achieving the full benefits of eviction protection services. Describe steps that you will take to prevent, reduce, or eliminate these barriers and the measures you will use to track your progress. Your response should reflect a thoughtful assessment of the racial impact of your services and delivery methods. (8 points max.)
- iv. **Affirmatively Furthering Fair Housing.** Your project must contribute to affirmatively furthering fair housing (AFFH), which considers all protected classes who disproportionately experience housing instability. How will your project contribute to addressing disparities in rental housing instability and/or fostering and maintaining compliance with civil rights and fair housing laws? (1 point max.)

## **2.c. Partnerships and Collaboration (3 points max.)**

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.

Examples of potential partners include proposed subrecipients, contractors, or unfunded partners, such as: legal aid, bar association, or legal clinic provider; fair housing organization or fair housing enforcement program; community- or faith-based organization; tenant organizing group; state or local government agency; state or local court judicial officers or administrator; housing, financial, or social service provider (e.g., PHA, housing counselor, rapid rehousing program); or evaluator or data analyst (e.g., a researcher/university).

- i. **Collaborations.** Describe how you will work with community partners to perform the full range of activities necessary to meet the needs described in Rating Factor 1. List subrecipients, consultants, and other partners that will either provide services directly to beneficiaries or participate indirectly through supportive activities and collaboration. Describe the services or collaborative work provided by each partner entity and any formal commitments between the organizations or prior experience collaborating with each partner. Your application must include a Letter of Support from one project collaborator, which must include all the following:
  - a. Identify the person writing, organization they represent, their role or position, and the date.
  - b. Expression of support for the project and a statement of willingness to participate and collaborate with the project.
  - c. Description of the partner's or collaborator's role and expected responsibilities or support/resources they will contribute to the project. (2 points max.)

- ii. ***Referral Partnerships.*** Describe the referral partnerships that you have and/or will establish to receive tenants for legal assistance services; as well as those for referring tenants to other services (to the extent available). *(1 point max.)*

### **FACTOR 3: CAPACITY AND EXPERIENCE      35 Points Maximum, 25 Minimum**

Grantees and subrecipients must have the necessary capacity and experience to carry out your project as detailed in your Project Plan, deliver high quality legal assistance services, and successfully administer federal funds. Rating Factor 3 assesses your capacity to achieve program goals.

#### **3.a. Organization Experience Providing Eviction Protection Services *(10 points max.)***

Your organization must have the experience necessary to deliver high quality legal assistance services under EPGP (considering length and depth of experience, relevance/transferability, and past results).

Describe your organization's experience providing no-cost legal assistance to tenants facing eviction or transferable high-volume legal or social services to low-income households. Specify the number of years of experience your organization has providing legal assistance, as defined in Section I.A.4.b., to low-income individuals. To receive maximum points, include a snapshot of your relevant annual program activities, services, and outcomes. Describe subrecipient(s)' experience relevant to their project roles and functions, if applicable.

#### **3.b. Experience Promoting Equity *(8 points max.)***

Your organization must have experience and resources necessary to equitably address the needs of communities that disproportionately face eviction. Additionally, your project should be developed, implemented, and evaluated in collaboration with individuals and organizations led by and for the relevant populations in your service area who collectively experience disproportionate risk of eviction and lack access to legal assistance. Centering the voices of those closest to eviction and housing instability issues results in projects that successfully shift power, change systems, and advance equity.

- i. ***Capacity and Experience.*** Describe your organization's capacity and experience to equitably serve low-income tenants disproportionately at risk of eviction, including Black and Brown communities, people with limited English proficiency, and people with disabilities. You may include a discussion of your staff and leadership, policies and practices, and/or recent track record of work advancing equity. *(4 points max.)*
- ii. ***Centering Impacted Communities.*** How does your Project Plan reflect what you have learned from impacted communities (e.g., co-developed measures of success, received input on project activities)? How do you ensure that your engagement with impacted communities is respectful, mutually beneficial, shifts power, and builds trust? *(4 points max.)*

#### **3.c. Staffing Plan and Expertise *(12 points max.)***

Demonstrate that you have sufficient qualified staff available, and a reasonable plan to hire remaining staff, to smoothly transition from project planning to implementation. "Staff or

personnel” includes your and your subrecipient(s)’ in-house staff and volunteers, contractors, and consultants whom you expect to work with in conducting your project.

- i. **Staffing Plan.** Describe your organization’s plan (for your organization and any subrecipients) to sufficiently staff this project to provide the full range of activities and achieve the outcomes outlined in your Logic Model, Rating Factor 2.a. Explicitly state: the number of attorney vs. non-attorney staff contemplated, and the expected percentages of existing staff versus to-be-hired staff responsible for implementing your project. Clearly state your plan to hire staff and fill any gaps in training and experience, as well as challenges you foresee and steps you will take to overcome these challenges. (5 points max.)
- ii. **Key Roles.** List the key roles (legal and non-legal) for this project, the percentage of work time that will be committed to your project, and how each role will contribute to your project objectives and service delivery. (2 points max.)
- iii. **Experience of Key Staff.** Briefly describe up to five key personnel from your organization who will engage in your project’s implementation and their expertise and experience related to their roles. Provide brief descriptions of the duties, and qualifications required for unfilled positions. Provide corresponding resumes, no longer than three pages, and position descriptions in the *Supporting Materials* (not counted toward the 25-page limit). If your project includes subrecipients, describe up to three key personnel from each subrecipient entity who will be engaged in project implementation, and their relevant experience and expertise. Provide corresponding resumes, no longer than three pages. (3 points max.)
- iv. **Management Plan.** Outline your management plan to achieve the proposed objectives effectively and on time, including your plan to monitor project progress and ensure proper financial oversight, governance, policies and procedures, risk management, etc. to meet the grant reporting requirements and audit requirements of 2 CFR part 200. (2 points max.)

### **3.d. Data Collection, Reporting, and Evaluation Plan (5 points max)**

Demonstrate your commitment and capacity to accurately and timely collect and report project information; and to evaluate your project to improve services. EPGP reporting requirements are described in Section VI.C.

- i. **Data collection and reporting.** Describe strategies to ensure collection and reporting of qualitative and quantitative data across the full range of project activities, including data on brief, light touch services in addition to longer-term services. Specifically outline your systems and processes to track progress toward projected measures and outcomes identified in Rating Factor 2.a.iii. and collect HUD Form 52698 data for individual client information (including demographics), services provided, and outcomes. (3 points max.)
- ii. **Evaluation.** Describe your organization’s experience using data to develop and refine your approach to eviction prevention. Describe how you will use data to improve service delivery during the period of performance and assess whether client needs are being met. (2 points max.)

## **FACTOR 4: BUDGET      10 Points Maximum, 7 Minimum**

This factor evaluates the quality, thoroughness, necessity, cost-effectiveness, and reasonableness of costs to carry out the project activities, and the rationale for the proposed budget and narrative. Your Budget Narrative and HUD-424-CBW must relate to the activities in your Project Plan in Rating Factor 2, including identifying key team members/staff and partners as provided in Rating Factor 3, who will be responsible and accountable for completing major tasks. You must include the Budget Narrative and a HUD-424-CBW Budget Worksheet for each applicant and proposed subrecipient covering the full 2-year period of performance.

**4.a. Budget Narrative (6 points max.)**

- i. Thoroughly estimate and detail a plan for all applicable costs, including all direct and indirect expenses, and present them in a clear and coherent format.
- ii. For each budget category, explain:
  - a. Necessity: Why these costs are necessary for successful project implementation.
  - b. Reasonableness: How you decided that these costs are reasonable.
  - c. Allocability: Are costs 100% allocable for this project or shared with other activities?

**4.b. Budget Worksheet (4 points max.)**

Each HUD-424-CBW Budget Worksheet must be completed according to the form instructions available at: [https://www.hud.gov/program\\_offices/administration/hudclips/forms/hud4](https://www.hud.gov/program_offices/administration/hudclips/forms/hud4) (HUD-424-CBW-I Instructions for Grant Application Detailed Budget Worksheet). Under the 424-CBW score, there will be an automatic 3-point deduction (in addition to any other point deductions) if the applicant submits a HUD-424-CB, but not the detailed HUD-424-CBW.

**Total**

**Maximum Points: 100**

Plus an additional 2 points for MSI preference points.

**2. Other Factors**

**Policy Initiative Preference Points**

This NOFO supports the following policy initiatives, for which a maximum of two (2) preference points may be awarded. Preference points are added to your overall application score.

**Minority-Serving Institutions (2 points)**

You may voluntarily choose to address preference point policy initiatives in your application. Addressing these policy initiatives is not a requirement to apply for or receive an award. If you voluntarily choose to address a policy initiative in your application, you will be required to adhere to the information submitted with your application should you receive an award. The proposed information will be included as a binding requirement of any Federal award you receive as a term and condition of that award.

**Minority-Serving Institutions**

An applicant designated by the U.S. Department of Education as an MSI will receive up to two (2) preference points when the application includes documentation of the applicant's status as an HBCU, Hispanic-serving institution, Tribal-controlled postsecondary institution, Alaska Native-serving or Native-Hawaiian-serving institution, Predominantly Black Institution, Asian and Native American Pacific Islander-serving institution, or Native American-serving nontribal

institution. This policy preference is pursuant to Executive Orders 13985, 14041, 14045, and 14031.

An applicant partnering with an HBCU, Hispanic-Serving Institution, Tribal-controlled postsecondary institution, Alaskan Native-serving or Native-Hawaiian-serving institution, Predominantly Black Institution, Asian and Pacific Islander-serving institution, or Native American-serving nontribal institution will receive up to two (2) Preference Points when the application includes a Letter of Commitment certifying that a partnership is in place and signed by an authorizing official of the MSI and documentation of the status of college or university as an HBCU, Hispanic-serving institution, Tribal-controlled postsecondary institution, Alaska Native-serving or Native-Hawaiian-serving institution, Predominantly Black Institution, Asian and Native American Pacific Islander-serving institution, or Native American-serving nontribal institution. This policy preference is pursuant to Executive Orders 13985, 14041, 14045, and 14031.

To be considered for MSI preference points, follow these instructions:

- **Documentation of MSI Status:**
  - If your institution or your partner institution is on this [Department Education list of recipients of grant programs authorized under the Higher Education Act of 1965](#), you must state in your Project Summary (see Section V.B.1.b.) that your organization is an MSI.
  - If your institution or your partner institution is an MSI but is not listed as a Department of Education MSI recipient, you must self-attest that you enroll populations with significant percentages of undergraduate students that meet the relevant MSI definition (see Section I.A.4.a.) and provide enrollment statistics to demonstrate eligibility.
- **Letter of Commitment:** To receive preference points for partnering with an MSI, in addition to Documentation of MSI status, you must include a Letter of Commitment from your partner MSI.

## B. Review and Selection Process

### 1. Past Performance

In evaluating applications for funding, HUD will consider an applicant's past performance in managing funds. Items HUD will consider include, but are not limited to:

OMB-designated repositories of governmentwide data, as noted in [2 CFR 200.206\(a\)](#)

The ability to account for funds in compliance with applicable reporting and recordkeeping requirements

Timely use of funds received from HUD

Timely submission and quality of reports submitted to HUD

Meeting program requirements

Meeting performance targets as established in the HUD agreement

The applicant's organizational capacity, including staffing structures and capabilities

Timely completion of activities and receipt and expenditure of promised matching or leveraged funds

The number of persons served or targeted for assistance

HUD may reduce scores based on the past performance review, if specified under V.A. Rating Factors. Whenever possible, HUD will obtain and review past performance information. If this review results in an adverse finding related to integrity of performance, HUD reserves the right to take any of the remedies provided in the [Pre-Selection Review of Performance section of the Eligibility Requirements for Applicants of HUD Financial Assistance Programs](#).

## **2. Assessing Applicant Risk**

In evaluating risks posed by applicants, HUD may use a risk-based approach and may consider any items such as the following:

- (1) Financial stability;
- (2) Quality of management systems and ability to meet the management standards prescribed in this part;
- (3) History of performance. The applicant's record in managing Federal awards, if it is a prior recipient of Federal awards, including timeliness of compliance with applicable reporting requirements, failing to make significant progress in a timely manner, failing to meet planned activities in a timely manner, conformance to the terms and conditions of previous Federal awards, and if applicable, the extent to which any previously awarded amounts will be expended prior to future awards;
- (4) Reports and findings from audits performed under Subpart F—Audit Requirements of 2 CFR part 200 or the reports and findings of any other available audits; and
- (5) The applicant's ability to effectively implement statutory, regulatory, or other requirements imposed on non-Federal entities.

## **3. Application Review and Selection Process**

### **a. Threshold Review**

First, a technical sufficiency review will determine whether each application is eligible and meets the threshold requirements set forth in this NOFO.

### **b. Merit Review**

The second review will evaluate the responses to each Rating Factor outlined above and other relevant information. Applications will be evaluated competitively and ranked against other applicants. HUD will fund applications in rank order until all available program funds are awarded. To be considered for funding, an application must receive a minimum score of 75 points out of a possible 102, receiving the minimum points for each Rating Factor as described in the chart in Section V.A.1.

### **c. Adjustments to Merit Review**

HUD has the discretion in selecting applicants to ensure services are available to tenants in rural areas and to ensure a portion of the funds are awarded to applicants that have not previously received EPGP funds.

d. Ranking

If two or more applications within a category have the same number of points, the application with the higher points for Rating Factor 2, shall be selected. If there is still a tie, the application with the higher points for Rating Factor 3, shall be selected.

## **VI. AWARD ADMINISTRATION INFORMATION**

### **A. Award Notices**

Following the evaluation process, HUD will notify successful applicants of their selection for funding. HUD will also notify other applicants, whose applications were received by the deadline but were not chosen for award. Notifications will be sent by email to the person listed as the AOR in item 21 of the SF-424.

#### **1. Final Award**

After HUD has made selections, HUD will finalize specific terms of the award and budget in consultation with the selected applicant. If HUD and the selected applicant do not finalize the terms and conditions of the award in a timely manner, or the selected applicant fails to provide requested information, an award will not be made to that applicant. In this case, HUD may select another eligible applicant. HUD may also impose specific conditions on an award as provided under [2 CFR 200.208](#).

#### **2. Adjustments to Funding**

To ensure fair distribution of funds and enable the purposes or requirements of a specific program to be met, HUD reserves the right to fund less than the amount requested in an application.

a. HUD may fund no portion of an application that:

- (1) Is ineligible for funding under applicable statutory or regulatory requirements;
- (2) Fails, in whole or in part, to meet the requirements of this notice;
- (3) Duplicates activities funded by other Federal awards; or
- (4) Duplicates activities funded in a prior year.

b. HUD may adjust the funding for an application to ensure funding diversity, geographic diversity, and alignment with HUD administrative priorities.

c. If an applicant turns down an award offer, or if HUD and an applicant do not finalize the terms and conditions of the award in a timely manner, HUD may withdraw the award offer and make an offer of funding to another eligible application.

d. If funds remain after all selections have been made, remaining funds may be made available within the current FY for other competitions within the program area, may be held for future competitions (if allowable in accordance with the applicable appropriation or authorizing statute), or may be used as otherwise provided by authorizing statute or appropriation.

e. If, after announcement of awards made under the current NOFO, additional funds become available either through the current appropriations, a supplemental appropriation, other



appropriations or recapture of funds, HUD may, in accordance with the appropriation, use the additional funds to provide additional funding to an applicant awarded less than the requested amount of funds to make the full (or nearer to full) award, and/or to fund additional applicants that were eligible to receive an award but for which there were no funds available.

### **3. Funding Errors**

If HUD commits an error that, when corrected, would cause selection of an applicant during the funding round of a Program NOFO, HUD may select that applicant for funding, subject to the availability of funds. If funding is not available to award in the current fiscal year, HUD may make an award to this applicant during the next fiscal year if funding is available.

### **4. EPGP-Specific Information**

Successful applicants will receive a letter from HUD's Office of Policy Development and Research providing details regarding the effective start date of the grant agreement and any conditions, additional data and information to be submitted to execute the grant. Applicants will then participate in negotiations to determine the specific terms of the grant agreement, budget, work plan, benchmarks, or other requirements. During the negotiation, HUD may share further specific expectations about grantee reporting for the purposes of program evaluation that may be part of the terms and conditions of the grant.

If HUD is not able to successfully conclude negotiations with a selected applicant within a period determined by HUD, an award will not be made. If you accept the terms and conditions of the grant agreement, you must return a signed grant agreement by the date specified. Instructions on how to have the grant agreement account entered into HUD's Line of Credit Control System (LOCCS) payment system will be provided.

In accordance with 2 CFR part 200, subpart F—Audit Requirements, if you expend \$750,000 in federal funds in a single year, you must follow the requirements of the Single Audit Act and must submit your completed audit-reporting package along with the Data Collection Form (SFSAC) to the Single Audit Clearinghouse. The address can be obtained from its [website](#).

## **B. Administrative, National and Departmental Policy Requirements and Terms for HUD Applicants and Recipients of Financial Assistance Awards**

Unless otherwise specified, the following requirements apply and are detailed on HUD's Funding Opportunity page in the document titled, "[Administrative, National & Departmental Policy Requirements and Terms for HUD Financial Assistance – 2024](#)." You must review each requirement to ensure compliance is considered when preparing your application materials (e.g., staff, budget, and timeline). Failure to comply with these requirements may impact your ability to receive or retain a financial assistance award from HUD.

1. Compliance with The Fair Housing Act ([42 U.S.C. 3601-3619](#)) and implementing regulations at [24 CFR part 100 et seq](#)
2. Compliance with Title VI of the Civil Rights Act of 1964, [42 U.S.C. 2000d-2000d-4](#)(Nondiscrimination in Federally Assisted Programs) and implementing regulations at [24 CFR part 1](#)

3. Compliance with the Age Discrimination Act of 1975 ([42 U.S.C. 6101-6107](#)) and implementing regulations at [24 CFR part 146](#)
4. Compliance with Section 504 of the Rehabilitation Act of 1973 ([29 U.S.C. 794](#)) and implementing regulations at [24 CFR part 8](#)
5. Compliance with the Americans with Disabilities Act, [42 U.S.C. 12101 et seq](#)
6. Compliance with Affirmatively Furthering Fair Housing (AFFH) requirements, including 24 CFR 5.150 et seq
7. Compliance with Economic Opportunities for Low-and Very Low-income Persons (12 U.S.C. 1701u) requirements, including those listed at [24 CFR part 75](#)
8. Compliance with Improving Access to Services for Persons with Limited English Proficiency (LEP) requirements, including those listed within [Federal Register Notice, FR-4878-N-02](#) (also see [HUD's webpage](#))
9. Compliance with Accessible Technology requirements, including those listed on in [HUD's Policy on Section 508 of the Rehabilitation Act and Accessible Technology](#)
10. Compliance with Equal Access Requirements (e.g., [24 CFR 5.105\(a\)\(2\)](#) and [5.106](#))
11. Compliance with Ensuring the Participation of Small Disadvantaged Business, and Women-Owned Business requirements at [2 CFR 200.321](#)
12. Compliance with Energy Efficient and Sustainable by Design
13. Compliance with Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 USC 4601 et seq.) (URA) requirements, [49 CFR part 24](#), and applicable program regulations
14. Compliance with Participation in HUD-Sponsored Program Evaluation
15. Compliance with OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ([2 CFR part 200](#))
16. Compliance with Drug-Free Workplace requirements ([2 CFR part 2429](#))
17. Compliance with the requirements related to safeguarding resident/client files (e.g., 2 CFR 200.303(e))
18. Compliance with the Federal Funding Accountability and Transparency Act of 2006 ([2 CFR part 170](#)) (FFATA), as amended
19. Compliance with Eminent Domain
20. Compliance with Accessibility for Persons with Disabilities requirements, including 24 CFR parts 8 and 100; 28 CFR part 35
21. Compliance with applicable Violence Against Women Act requirements in the Housing Chapter of VAWA, 34 U.S.C. 12491-12496, 24 CFR part 5, subpart L, and program-specific regulations, if applicable
22. Compliance with Conducting Business in Accordance with Ethical Standards/Code of Conduct, including [2 CFR 200.317](#), [2 CFR 200.318\(c\)](#) and other applicable conflicts of interest requirements

23. Compliance with the [Build America, Buy America \(BABA\) Act](#) procurement requirements
24. Compliance with System for Award Management and Universal Identifier Requirements at [2 CFR part 25](#)
25. Compliance with [section 106\(g\) of the Trafficking Victims Protection Act of 2000 \(TVPA\), as amended \(22 U.S.C. 7104\(g\)\)](#) and implementing regulations at [2 CFR part 175](#) (Award Term for Trafficking in Persons)
26. Compliance with Award Term and Condition for Recipient Integrity and Performance Matters (see [Appendix XII to 2 CFR part 200](#))
27. Compliance with Suspension and Debarment regulations ([2 CFR part 2424](#) and [2 CFR part 180](#))
28. Compliance with environmental justice requirements that apply in accordance with Executive Orders [12898](#) and [14008](#), and OMB Memorandum [M-21-28](#), which implements the *Justice40 Initiative*, section 223 of Executive Order [14008](#).
29. Compliance with [HUD Secretary Fudge’s April 12, 2022 memorandum](#), “Eliminating Barriers That May Unnecessarily Prevent Individuals with Criminal Histories from Participation in HUD Programs”
30. Compliance with equity requirements, including racial equity and underserved communities and LGBTQ+ requirements that apply in accordance with Executive Orders [13985](#), [13988](#), and 14091
31. Compliance with 41 U.S.C. § 4712, which includes informing your employees in writing of their rights and remedies, in the predominant native language of the workforce. Under 41 U.S.C. § 4712, employees of a contractor, subcontractor, grantee, subgrantee, and personal services contractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant. (See [Federal Contractor or Grantee Protections | Office of Inspector General, Department of Housing and Urban Development \(hudoig.gov\)](#))
32. Compliance with [2 CFR 200.216, Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment](#) and Executive Orders 14091 and 14110, which includes prohibition on the use of HUD funds to purchase or fund any form of facial or biometric recognition technology for the purpose of surveillance or any other use that may adversely impact equitable access to housing

### **Environmental Review**

In accordance with 24 CFR 50.19(b)(3), (4), (12) and (13), activities funded under this NOFO are exempt or categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and not subject to environmental review under related laws and authorities.

### **Remedies for Noncompliance**

HUD may apply the remedies at [2 CFR 200.339](#) or impose additional conditions to remedy noncompliance with any Federal State, or local statutes, regulations, or terms and conditions of the financial assistance award. If noncompliance cannot be remedied, HUD may terminate a Federal award, in whole or in part, for any of the reasons specified in [2 CFR 200.340, Termination](#).

The Grant Officer may, on reasonable notice to the grantee and/or Subrecipient, temporarily suspend the award and withhold further payments pending corrective action by a grantee and/or subrecipient. The award may be terminated in whole or in part before the end of the performance period when a grantee and/or subrecipient fails to comply with the terms, conditions, standards, or provisions of this award, or if an award no longer effectuates the program goals or agency priorities. The award may be terminated for convenience when both parties agree that the continuation of the award would not produce beneficial results. Action will be taken per 2 CFR 200.339 – 200.343.

### **Lead-Based Paint Requirements**

When providing education or counseling on buying or renting housing that may include pre-1978 housing under your HUD award you must inform clients of their rights under the Lead Disclosure Rule (24 CFR part 35, subpart A), and, if the focus of the education or counseling is on rental or purchase of HUD-assisted pre-1978 housing, then you must also inform clients of the Lead Safe Housing Rule (subparts B, R, and, as applicable, F - M).

## **C. Reporting**

HUD requires recipients to submit performance and financial reports under OMB guidance and program instructions.

### **1. Recipient Integrity and Performance Matters**

You should be aware that if the total Federal share of your Federal award includes more than \$500,000 over the period of performance, the award will be subject to post award reporting requirements reflected in [Appendix XII to 2 CFR part 200, Award Terms and Conditions for Recipient Integrity and Performance Matters](#).

### **2. Race, Ethnicity and Other Data Reporting**

HUD requires recipients that provide HUD-funded program benefits to individuals or families to report data on the race, color, religion, sex, national origin, age, disability, and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of HUD programs in order to carry out the Department's responsibilities under the Fair Housing Act, Executive Order 11063, Title VI of the Civil Rights Act of 1964, and Section 562 of the Housing and Community Development Act of 1987. These authorities prohibit discrimination in housing and in programs receiving financial assistance from the Department and direct the Secretary to administer the Department's programs and activities in a manner affirmatively to further these policies and to collect certain data to assess the extent of compliance with these policies. Each recipient shall keep such records and submit to the Department timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the Department may determine to be necessary to enable it to ascertain whether the recipient has complied or is complying with 24 CFR parts 1 and 121. In general, recipients should have available for the Department data showing the demographics of beneficiaries of Federally-assisted programs.

Grantees must use HUD Form 52698 Client Services and Outcomes Report and HUD Form 52698a Client Services and Outcome Report Submission Sample to report client-level race and ethnicity data to HUD. Aggregated summaries of race and ethnicity data must also be submitted to HUD via the Disaster Recovery Grant Reporting System (DRGR).

### **3. Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) as amended (FFATA)**

FFATA requires information on Federal awards be made available to the public via a single, searchable website, which is [www.USASpending.gov](http://www.USASpending.gov). Accordingly, each award HUD makes under this NOFO will be subject to the requirements provided by the Award Term in Appendix A to [2 CFR part 170](#), “REPORTING SUBAWARD AND EXECUTIVE COMPENSATION INFORMATION,” unless the Federal funding for the award (including funding that may be added through amendments) is not expected to equal or exceed \$30,000. Requirements under this Award Term include filing subaward information in the Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS.gov) by the end of the month following the month in which the recipient awards any sub-award equal to or greater than \$30,000.

### **4. Program-Specific Reporting Requirements**

#### **a. Grant Activity Reporting**

Narrative and quantitative reporting will be expected each quarter, annually, and at the end of the performance period. Quarterly Performance Reports include the following: significant project benchmarks and deliverables; quarterly narrative on activities and obstacles; quantitative summary of clients serviced, services provided, and outcomes; client-level data for closed cases; significant products developed; and a Federal Financial Report SF-425. Vouchers for payment and corresponding supporting documentation of incurred costs must also be submitted throughout the period of performance. Grantees must comply with all reporting and voucher requirements found in the grant agreement. HUD forms to assist grantees with meeting reporting requirements, including the HUD Form 52698 Client Services and Outcomes Report, HUD Form 52698a Client Services and Outcome Report Submission Sample, HUD Form 52699 Benchmarks Plan and Report, and HUD Form 52700 Grant Detailed Voucher Form, are available at <https://www.huduser.gov/portal/eviction-protection-grant.html#resources>.

#### **b. HUD Research and Evaluation**

Awardees must participate in research with HUD’s Office of Policy Development and Research. In addition to collecting and submitting data on the services it provides and associated outcomes, the grantee may be asked to respond to survey questions or interviews, or facilitate research participation with partner organizations and/or beneficiaries. Any such activities will comply with the Paperwork Reduction Act and applicable privacy rules.

## **D. Debriefing**

For a period of at least 120 calendar days, beginning 30 calendar days after the public announcement of awards under this NOFO, if requested, HUD will provide a debriefing related to their application. The AOR or the AOR’s successor must submit a written request for

debriefing via mail or email to the POC in Section VII Agency Contact(s) of this NOFO. Information provided during a debriefing may include the applicant's final score for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which funding was approved or denied.

## VII. AGENCY CONTACT(S)

HUD staff will be available to provide clarification on the content of this NOFO. Questions regarding specific program requirements for this NOFO should be directed to the POC listed below.

Name:

Randall Sisco D'Andre Chambers

Phone:

678-732-2033

Email:

EvictionProtectionGrant@hud.gov

Individuals who are deaf or hard of hearing, as well as individuals who have speech or communication disabilities may use a relay service to reach the agency contact. To learn more about how to make an accessible telephone call, visit the webpage for the [Federal Communications Commission](#).

Note that HUD staff cannot assist applicants in preparing their applications.

## VIII. OTHER INFORMATION

### 1. Compliance of this NOFO with the National Environmental Policy Act (NEPA)

A Finding of No Significant Impact (FONSI) with respect to the environment has been made for this NOFO in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C.4332(2)(C)). The FONSI is available for inspection at HUD's Funding Opportunities web page.

### 2. Web Resources.

- [Affirmatively Furthering Fair Housing](#)
- [Assistance Listing\(formerly CFDA\)](#)
- [Climate Action Plan](#)
- [Climate and Economic Justice Screening Tool \(CEJST\)](#)
- [Code of Conduct Requirements and E-Library](#)
- [Environmental Review](#)
- [Equal Participation of Faith-Based Organizations](#)
- [Fair Housing Rights and Obligations](#)
- [Federal Awardee Performance and Integrity Information System](#)
- [Federal Funding Accountability and Transparency Act \(FFATA\) Subaward Reporting System](#)
- [Grants.gov](#)

- [Healthy Homes Strategic Plan](#)
- [Healthy Housing Reference Manual](#)
- [Historically Black Colleges and Universities \(HBCUs\)](#)
- [HUD's Disability Overview](#)
- [HUD's Strategic Plan](#)
- [HUD Grants](#)
- [HUD Reform Act](#)
- [HUD Reform Act: Hud Implementing Regulations](#)
- [Limited English Proficiency \(LEP\)](#)
- [NOFO Webcasts](#)
- [Procurement of Recovered Materials](#)
- [Promise Zones](#)
- [Rural.gov](#)
- [Rural Partners Network Community Networks](#)
- [Section 3](#)
- [State Point of Contact List](#)
- [System for Award Management \(SAM\)](#)
- [Real Estate Acquisition and Relocation](#)
- [Unique Entity Identifier](#)
- [USA Spending](#)

### **3. Program Relevant Web Resources**

On the EPGP webpage, we maintain a list of [program-relevant web resources](#) that may be helpful as you develop your application and your project plan.

## **APPENDIX**