



January 16, 2024

Submitted via email: PaperworkReductionActOffice@hud.gov

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Reports Management Officer
Department of Housing and Urban Development
451 7th Street SW, Room 8210
Washington, DC 20410

RE: 60-Day Notice of Proposed Information Collection: Eviction Protection Grant Program; OMB Control No.: 2528-0331

To whom it may concern:

Please accept these comments on behalf of Legal Services of Eastern Missouri. We currently receive HUD Eviction Protection Grant funds, which we use to provide services to tenants at-risk of and subject to eviction throughout the state of Missouri. After two years of participating in the Eviction Protection Grant Program, we appreciate HUD's efforts to improve and streamline data collection. In these comments, we share additional questions or suggestions that we believe could help further improve HUD Form 52698.

1. We believe clarification about the definition of emergency housing assistance in 5e is needed. Is emergency housing assistance limited to federal ERA/ARPA funding, or is it inclusive of assistance obtained from any public or private source?

We also question the practical utility of 5e as asked. Currently, the instructions state that the answer should reflect the client's circumstances at the time of initial engagement. We believe that the difficulty that many tenants experience trying to navigate the application processes for ERA/ARPA and other public emergency housing assistance programs is lost by only inquiring about emergency housing assistance at this single point in time. Our attorneys and housing advocates often spend considerable time helping clients to navigate the complicated and cumbersome application process for ERA/ARPA funds and other rent assistance programs whether they have not yet applied, applied and have not yet been approved, or applied and been denied assistance at the time of service engagement. A more nuanced question or questions that explore the extent to which legal aid advocacy is needed to obtain emergency housing assistance may provide data to support the need for lower-barrier public rental assistance programs.

2. We believe that data related to the financial benefits in question 10b would be more useful if the terms "housing assistance" and "non-housing service or benefit" were more clearly defined. For example, we understand from our conversations with a Government Technical Representative at HUD that "housing assistance" includes both emergency rental assistance from any source as well as rental subsidies but this was not clear from the instructions. Because these terms are undefined, it could impact the validity of the data obtained from this question. Another example of where the definition can become ambiguous is when we help clients apply for LIHEAP to keep their utility account current or avoid a disconnection. As we prepare reports, it has been unclear whether this utility

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assistance would qualify as “housing assistance” or a “non-housing service or benefit.” This is just one example of the kinds of questions we find ourselves asking, and we believe more clarity in the form instructions regarding these two outcomes would garner more consistent and usable information about the outcomes of the Eviction Protection Grant.

3. An outcome we often achieve with our clients that is not reflected in the outcomes in Section 10 of HUD form 52698 is when a client has received a judgement or entered into a judgement by consent and is then able to satisfy a judgement. A “satisfaction of judgement” outcome would improve the clarity of data, as in the case where a client has a judgement for possession entered against them but is ultimately able to stay in their home due to the intervention of the attorney. Furthermore, if the client is still displaced, a satisfaction of judgement is better for their future housing opportunities, especially when their court record is not able to be sealed.

Many of our clients and tenants in the courts where we work are rushed into consent judgements before they can contact a legal aid organization; this proposed additional outcome also captures the importance of assistance with post-judgement settlements or financial assistance to satisfy the consent judgement put forth by the landlord or their attorney. We believe that additional data about this common situation and how it impacts tenant outcomes would be useful to HUD in the effort to more effectively protect tenants from eviction.

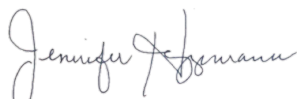
4. The entire HUD Form 52698 is not appropriate to be collected for persons/tenants receiving certain types of assistance including the following service categories:

- One-on-one information at a court-based help desk
- One-on-one information via direct outreach or at a help center or hotline other than a court help desk
- Information or education in a group setting (i.e. presentation, workshop)

Such persons are not clients of Legal Services and are not represented by an attorney. I imagine that is true of such court-based help desks, help centers, and group settings nationwide. To try to collect this detailed personal and financial information from a person/tenant who is not a client and not getting any legal representation will impede community outreach and education to persons for the purpose of general legal information about tenants’ legal rights regarding evictions and helping tenants with issue recognition about problems for which they should seek legal help. Such a person would reject sitting through a presentation, or receiving outreach materials, or a simple referral, if this detailed reporting information were required to be collected in order to receive those services, which fall far short of legal representation or legal advice. Collecting the level of detailed information requested on the HUD reporting form in these situations of referrals, legal information, and/or outreach is also likely to confuse a tenant and cause the tenant to think that the legal aid is going to provide individualized legal advice or full representation as the tenant’s attorney, when an attorney/client relationship will not be forming.

Thank you for the opportunity to communicate these important concerns. Please do not hesitate to contact me at jmheggemann@lsem.org or 314-256-8748 with any questions.

Sincerely,



Jennifer Heggemann, MSW
Director of Social Work

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