



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-6000

OFFICE OF POLICY DEVELOPMENT
AND RESEARCH

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POLICY GUIDANCE NUMBER: 2024-01

SUBJECT: Eviction Protection Grant Program (EPGP) Guidance on
Determining Tenant Eligibility

STATUS: CURRENT

APPLICABILITY: All EPGP grantees and subrecipients

RELATED GUIDANCE: All EPGP Notices of Funding Opportunity and Terms and
Conditions¹

COMMENTS:

This Policy Guidance is being issued to guide Eviction Protection Grant Program (EPGP) grantees on the allowable methods for determining whether individuals or families meet the eligibility criteria for services defined by the Notice of Funding Opportunity (NOFO).

Determining Beneficiary Eligibility

EPGP beneficiaries must be low-income tenants at risk of or subject to eviction as the NOFO defines those terms. On a case-by-case basis, grantees and subrecipients must use their discretion to determine whether the facts provided by an individual, family, or other sources demonstrate that they meet the definitions of “tenant” and “at risk of eviction” or “subject to eviction.” Grantees and subrecipients may collect this information verbally or adopt simple intake forms and procedures to obtain information from individuals and families to determine eligibility in a manner that promotes developing trust between attorney and client.

Grantees and subrecipients may verify whether tenants meet the definition of “low-income,” as defined in the NOFO, via verbal tenant screenings in the case of brief, light-touch services, such as help desks or legal aid hotlines. When entities provide longer term or more extensive services, such as legal representation, grantees and subrecipients must document income eligibility via written attestation or supporting documentation, or both, obtained for the purposes of representation. Grantees and subrecipients may adopt simple intake forms and procedures to obtain financial eligibility information from tenants to determine eligibility in a manner that promotes developing trust between attorney and client. When project activity is designed to reach a low-income service area generally, such as education and outreach activities, grantees and subrecipients may cite community income data to verify and report that services will benefit low-income tenants without individual client intake. Awardees will identify policies and procedures for verifying tenant income specific to their action plans following selection.

If there is substantial reason to doubt the accuracy of any eligibility information an individual or family provides, the grantee or subrecipient must make an appropriate inquiry to verify the

¹ <https://www.huduser.gov/portal/eviction-protection-grant.html#resources>

information in a manner consistent with the attorney-client relationship.

When one grantee or subrecipient determines that a tenant is eligible for services in a particular case or matter, that entity may request another grantee or subrecipient to extend an equivalent level of legal assistance to that tenant in the same case or matter in reliance on the initial eligibility determination. In such cases, the receiving entity is not required to review or redetermine the tenant's eligibility unless their eligibility status changes, a higher level of service is required, or reason to doubt the validity of the original determination is substantial, provided that the referring entity issues and the receiving entity retains copies of the intake form documenting tenant eligibility.

If a tenant has a change in circumstances after the initial eligibility determination that makes them financially ineligible, the grantee or subrecipient has the discretion to continue services with EPGP funds if the income change is unlikely to continue or unlikely to enable the tenant to afford private legal assistance, and continuation is consistent with applicable rules of professional responsibility. If a tenant becomes financially ineligible on the basis of later discovered or disclosed information, the grantee or subrecipient must discontinue services supported by EPGP funds unless discontinuation is inconsistent with applicable rules of professional responsibility.

Grantees may request exceptions to this policy guidance if necessary to carry out the purposes of the award. Exceptions require written approval of the Government Technical Representative.