



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

OFFICE OF POLICY DEVELOPMENT
AND RESEARCH

13 June 2024

POLICY GUIDANCE NUMBER: 2024-02

SUBJECT: Eviction Protection Grant Program (EPGP) Guidance on Lobbying Restrictions

STATUS: CURRENT

APPLICABILITY: All EPGP grantees and subrecipients.

RELATED GUIDANCE: All EPGP Notices of Funding Opportunity and Terms and Conditions.¹

COMMENTS:

This Policy Guidance is being issued to guide Eviction Protection Grant Program grantees in identifying prohibited lobbying activities. The restrictions on lobbying are explained in 2 CFR 200.450 (OMB Cost Principles on lobbying) and 24 CFR Part 87 (U.S. Department of Housing and Urban Development (HUD) lobbying restrictions). As a recipient of EPGP funds, or any other HUD funding, you must be aware of and comply with these restrictions.

Lobbying Restrictions Applicable to All Grantees

Grantees and subgrantees cannot use EPGP funds to pay any person to influence or attempt to influence an officer or employee of any agency or Congressional members or staff in connection with the award, extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.²

Additional Lobbying Restrictions for Nonprofit Organizations and Institutions of Higher Education

Federal regulations provide more detailed prohibitions on lobbying for nonprofit organizations and institutions of higher education.³ For these grantees, the following activities are unallowable grant costs:

- Attempts to influence the outcome of any Federal, State, or local election, referendum, initiative, or similar procedure through in-kind or cash contributions, endorsements,

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

² See [24 CFR 87.100\(a\)](#); [31 U.S.C. 1352\(a\)](#); see also [24 CFR 87.105\(h\)](#) (defining “influencing or attempting to influence” for the purpose of this restriction).

³ See OMB Cost Principles, [2 CFR 200.450\(c\)](#).

publicity, or similar activity.⁴

- Establishing, administering, contributing to, or paying the expenses of a political party, campaign, political action committee, or other organization established for the purpose of influencing the outcomes of elections in the United States.⁵
- Attempts to influence *Federal or state legislation* (the introduction, enactment, modification, signature, or veto) by contacting, or urging the public or other officials to contact, any member or employee of the Congress or State legislature (including efforts to influence state or local officials to engage in similar lobbying activity); or by preparing, distributing, or using publicity or propaganda or organizing mass gatherings or events for the purpose of influencing legislative outcomes (including urging members of the general public to contribute or participate in any mass gathering, march, rally, fund raising drive, lobbying, letter writing or telephone campaign).⁶
 - Such actions are permissible to influence *state* legislation in order to directly reduce the cost, or to avoid material impairment of a grantee's authority to perform the grant.⁷
 - Federal regulations do not restrict lobbying for or against *local* legislation.
- Legislative liaison activities, including attendance at legislative sessions or committee hearings, gathering information regarding legislation, and analyzing the effect of legislation, when such activities are carried on in support of or in knowing preparation for an effort to engage in unallowable lobbying.⁸

Allowable Educational Activities

However, you may use funds for many public policy activities exempted by OMB and the Internal Revenue Code, including:

- Technical or factual presentations or letters on topics directly related to the performance of a grant in response to a request from legislative members or staff so long as the information is readily obtainable and can be easily put in deliverable form.⁹
- Educational meetings, preparation and distribution of educational materials, or otherwise consideration of public policy issues in an educational manner.¹⁰
- Development and distribution of independent and objective analysis, study, or research with

⁴ [2 CFR 200.450\(c\)\(1\)\(i\)](#).

⁵ [2 CFR 200.450\(c\)\(1\)\(ii\)](#).

⁶ [2 CFR 200.450\(c\)\(1\)\(iii\)](#).

⁷ [2 CFR 200.450\(c\)\(2\)\(ii\)](#).

⁸ [2 CFR 200.450\(c\)\(1\)\(iv\)](#).

⁹ [2 CFR 200.450\(c\)\(2\)\(i\)](#); 24 CFR 87.200(b).

¹⁰ [Lobbying Guidance for Charities and Nonprofits](#), Internal Revenue Service (last updated Dec. 4, 2023).

the public or government officials and employees.¹¹

- Educational discussions on, and analysis of, subject matter with the public or government entities, including subjects of legislation before a legislative body, so long as discussion does not address the merits of pending legislation or advocate for formulation of or action on specific legislation.¹²
- Information or technical advice or assistance (that would otherwise constitute influencing legislation) in response to requests by a legislative body, committee, or other subdivision thereof.¹³
- Communication with organization's members about legislation of direct interest to your organization, without encouraging members to attempt to influence legislation.¹⁴
- Communication with government officials or employees, other than members of a legislative body, about topics in which the principal purpose is not to influence legislation.¹⁵

Grantees who participate in otherwise eligible activities (e.g., conferences, meetings, or phone calls) in which lobbying activities occur, may do so while deducting the pro-rated cost of the lobbying portion from the cost of the total activity.

Related Materials

We encourage you to review OMB Cost Principles on lobbying at 2 CFR 200.450(c), HUD lobbying restrictions at 24 CFR Part 87, [IRS lobbying guidance and trainings for nonprofit organizations](#), and IRS lobbying expenditure definitions and examples provided in [26 CFR 56.4911-2](#) to determine which activities can be funded under the EPGP.

¹¹ Nonpartisan analysis “[m]ay advocate a particular position or viewpoint [including view on specific legislation] so long as there is a sufficiently full and fair exposition of the pertinent facts to enable the public or an individual to form an independent opinion or conclusion,” but cannot directly encourage recipients to lobby for or against said legislation. [26 CFR 56.4911-2\(c\)\(1\)\(ii\), \(iv\)](#) (providing examples).

¹² [26 CFR 56.4911-2\(c\)\(2\)](#).

¹³ [26 CFR 53.4945-2\(d\)\(2\)](#) (providing examples); 24 CFR 87.200(b).

¹⁴ [26 U.S.C. 4911\(d\)\(2\)\(D\)](#); [26 CFR 56.4911-2\(c\)\(4\)](#).

¹⁵ [26 U.S.C. 4911\(d\)\(2\)](#); [2 CFR 200.450\(c\)\(2\)\(iv\)](#); [26 CFR 56.4911-2\(c\)](#).