

NEIGHBORHOOD LEGAL SERVICES PROGRAM FINANCIAL ELIGIBILITY GUIDELINES

All cases will be screened for eligibility and conflicts prior to the provision of legal assistance. To be eligible for legal services from NLSP, clients must:

- Be a resident of the District of Columbia or have a legal problem in the District of Columbia
- Be a case matter within NLSP's priorities
- Be financially eligible for services (see below)
- Be a U.S. Citizen or eligible non-citizen
 - Exception: NLSP may assist victims of domestic violence or trafficking without regard to immigration status.

NLSP may not have sufficient resources to help all persons who meet income and case requirements.

In addition, LSC publishes charts listing income levels that are 125 % and 200% of the Federal Poverty Guidelines. These charts are for reference purpose only as an aid to grant recipients in assessing the financial eligibility of an applicant whose income is greater than 125% of the applicable Federal Poverty Guidelines amount but less than 200% of the applicable Federal Poverty Guidelines amount (and who may be found to be financially eligible under duly adopted exceptions to the annual income ceiling in accordance with sections §1611.3, 1611.4 and 1611.4.). For the most current Federal Poverty Guidelines, visit www.hhs.gov

GENERAL CONSIDERATIONS

In making financial eligibility determinations, NLSP shall make reasonable inquiry regarding sources of applicant's income, income prospects, and assets.

If there is substantial reason to doubt the accuracy of the financial eligibility information provided by an applicant or group, NLSP staff shall make appropriate inquiry to verify the information, in a manner consistent with the attorney-client privilege. (45 CFR § 1611.7(a) and (c)).

INCOME CEILING

In general, to be eligible for NLSP services, applicants must meet LSC eligibility requirements. To be LSC eligible financially, applicant must:

- Have a household income of 125% or below the federal poverty guidelines; or
- Seek to maintain benefits provided by a governmental program for low-income individuals or families; or
- Be determined by the Executive Director or her designee, on the basis of documentation provided by the applicant, that the applicant's income is primarily committed to medical

or nursing home expenses, and that, excluding such portion of the applicant's income which is committed to medical or nursing home expenses, the applicant's remaining income would at or below 125% of FPIG; or

- Have a household income of 200% or below the federal poverty guidelines and
 - Seek legal assistant to obtain government benefits for low-income individuals and families
 - Seek legal assistance to obtain or maintain governmental benefits for persons with disabilities
 - Can be spent down based on one or more of the following factors:
 - Unreimbursed medical expenses or medical insurance premiums
 - Fixed debts and obligations, such as rent or mortgage
 - Expenses such as dependent care, transportation, clothing and equipment expenses necessary for employment, job training, or educational activities in preparation for employment
 - Non-medical expenses associated with age or disability
 - Current taxes

If non-LSC grants are available, non-LSC funds may be used in the following exceptions to the above:

- For the following legal issues, household income must be below 400% of the federal poverty guidelines or be a group primarily composed of individuals who are below 400% of federal poverty guidelines in cases involving:
 - Building-wide housing conditions
 - Housing discrimination
 - Eviction sealing
 - TOPA
 - Co-op representation
 - Consumer protection
 - Barriers to employment
 - Wills/Estates (including advance directives)
- For the following intake networks, household income levels will be determined by DC regulations and/or agreements (either participant or grant):
 - Landlord Tenant Legal Assistance Network (LTLAN)¹
 - OAH Legal Assistance Network (OLAN)²

¹ Current LTLAN guidelines indicate income level is capped 250% of federal poverty guidelines, as outlined by D.C. Code 4-1802

² Current OLAN guidelines indicate income level is capped at 80% of AMI, or approximately 400% of FPL

- DC Debt Collection Defense Hotline³
- For the following grants, household income levels will be determined by the specific grant agreements⁴
 - Family Preservation Project
 - Equal Justice America – Veterans Project

In the event that NLSP determines that an applicant is financially eligible pursuant to any provision contained in the section above, and is provided legal assistance, NLSP shall document the basis for the financial eligibility determination and shall keep such records as may be necessary to document the specific facts relied on to make such determination in the applicant's file.

INCOME INFORMATION COLLECTED

NLSP shall consider each household members' income when calculating poverty percentage. Income includes, but is not limited to:

- Wages and salaries before any deduction;
- income from self-employment after deductions for business or farm expenses;
- regular payments from governmental programs for low-income persons or persons with disabilities;
- social security payments;
- unemployment and worker's compensation payments;
- strike benefits from union funds;
- veterans benefits;
- training stipends;
- alimony;
- child support payments;
- military family allotments;
- public or private employee pension benefits;
- regular insurance or annuity payments;
- income from dividends, interest, rents, royalties or from estates and trusts; and
- other regular or recurring sources of financial support that are currently and actually available to the applicant.

NLSP shall not consider SNAP benefits received as part of the income calculation.

APPLICANT'S HOUSEHOLD

³ Current DC Debt Collection Defense Hotline guidelines indicate income level is capped at 80% of AMI, or approximately 400% of FPL

⁴ In 2024, these grants do not have income limits

For the purposes of this this policy, the applicant's household means those persons who are living in the same residence with the applicant:

- Whom the applicant is required by law to support; or,
- Whom the applicant is providing support to; or
- Who are required by law to support the applicant; or,
- Who are actually providing support to the applicant; or,
- Who is the domestic partner of the applicant. Domestic Partner means a person who cohabits with the applicant and whom the applicant holds out to the public as having the same or similar relationship to a spouse. This is not merely a roommate or housemate. This definition is for the purposes of eligibility with NLSP and does not address the legality of the relationship

In assessing the income or assets of an applicant who is a victim of domestic violence, NLSP shall consider only the income or assets of the applicant and members of the applicant's household other than those of the alleged perpetrator of the domestic violence and shall not include any assets held by the alleged perpetrator of the domestic violence, any assets jointly held by the applicant with the alleged perpetrator of the domestic violence, or any assets jointly held by any member of the applicant's household with the alleged perpetrator of domestic violence. 45 CFR 1611.3(e)

REASONABLE ASSET CEILINGS (45 CFR §1611.3 (d))

To be considered LSC eligible, NLSP shall consider assets not exceeding the amount of \$5,000 for the applicant and \$1,000 for each additional member of the household. The following assets shall be excluded from the foregoing asset ceilings:

- a household's principal residence,
- vehicles used for transportation,
- assets used in producing income, and
- other assets which are exempt from attachment under State or Federal law.
 - Federal Law
 - Interest, not to exceed \$600 in value in any particular item or \$12,625 in aggregate value, in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical instruments, that are held primarily for the personal, family, or household use of the debtor or a dependent of the applicant. **(11 USC §522 (d)(3))**
 - Aggregate interest, not to exceed \$1,600 in value, in jewelry held primarily for the personal, family, or household use of the applicant or a dependent of the applicant. **(11 USC §522 (d)(4))**
 - Aggregate interest, not to exceed \$2,375 in value, in any implements,

- professional books, or tools, of the trade of the applicant or the trade of a dependent of the applicant. **(11 USC §522 (d)(6))**
- Any unmaturred life insurance contract owned by the applicant, other than a credit life insurance contract. **(11 USC §522 (d)(7))**
 - Professionally prescribed health aids for the applicant or a dependent of the applicant. **(11 USC §522 (d)(9))**
 - Right to receive, or property that is traceable to --
 - (A) an award under a crime victim's reparation law;
 - (B) a payment on account of the wrongful death of an individual of whom the applicant was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;
 - (C) a payment under a life insurance contract that insured the life of an individual of whom the applicant was a dependent on the date of such individual's death, to the extent reasonably necessary for the support of the applicant and any dependent of the applicant;
 - (D) a payment, not to exceed \$23,675, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the applicant or an individual of whom the applicant is a dependent; or
 - (E) a payment in compensation of loss of future earnings of the applicant or an individual of whom the applicant is or was a dependent, to the extent reasonably necessary for the support of the applicant and any dependent of the applicant
 - **11 USC §522 (d)(II)**
 - Retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986. **{11 USC §522 (d)(12)}**
- DC Regulation – DC Code § 15-501(a):
- **(1)** the debtor's interest, not to exceed \$2,575 in value, in one motor vehicle;
 - **(2)** the debtor's interest, not to exceed \$425 in value, in any particular item or \$8,625 in aggregate value in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical instruments, that are held primarily for the personal family or household use of the debtor or a dependent of the debtor;
 - **(3)** the debtor's aggregate interest in any property, not to exceed \$850 in value, plus up to \$8,075 of any unused amount of the exemption provided under paragraph (14) of this subsection;
 - **(4)** the debtor's aggregate interest, not to exceed \$1,625 in value, in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor (this exemption shall also apply to merchants);

- (5) any unmatured life insurance contract owned by the debtor, other than a credit life insurance contract;
- (6) professionally prescribed health aids for the debtor or a dependent of the debtor;
- (7) the debtor's right to receive:
 - (A) a social security benefit;
 - (B) a veteran's benefit;
 - (C) a disability, illness, or unemployment benefit;
 - (D) alimony, support, or separate maintenance, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor; and
 - (E) a payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, unless:
 - (i) the plan or contract was established by or under the auspices of an insider that employed the debtor at the time the debtor's rights under the plan or contract arose;
 - (ii) the payment is on account of age or length of service; and
 - (iii) the plan or contract does not qualify under section 401(a) or 403(b) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 et seq.) ("1986 Code");
- (8) all family pictures; and all the family library, not exceeding \$400 in value;
- (9) notwithstanding subsection (b) of this section, money or other assets payable to a participant or beneficiary from, or an interest of a participant or beneficiary in, a retirement plan qualified under sections 401(a), 403(a), 403(b), 408, 408A, 414(d), or 414(e) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 et seq.) ("1986 Code"), or section 409 (as in effect prior to January 1984) of the Internal Revenue Code of 1954, approved August 6, 1954 (68A Stat. 3; 26 U.S. C. § 1 et seq.); provided, that:
 - (A) this paragraph shall not apply to:
 - (i) an alternate payee under a qualified domestic relations order, as defined in section 414(p) of the 1986 Code;
 - (ii) a retirement plan, qualified under section 401(a) of the 1986 Code, as a creditor of an individual retirement account qualified under section 408 of the 1986 Code; or
 - (iii) any claims by, or any indebtedness, liability, or obligation owed to, the District of Columbia;
 - (B) if a contribution to a retirement plan described in this paragraph exceeds the amount deductible or, in the case of a contribution under section 408A of the 1986 Code, the maximum contribution

allowed under the applicable provisions of the 1986 Code, the portion of the contribution that exceeds the amount deductible or, in the case of a contribution under section 408A of the 1986 Code, the maximum contribution allowed, and any accrued earnings on such portion, are not exempt;

- **(10)** the interest of an alternate payee in a plan described in paragraph (9) of this subsection;
- **(11)** the debtor's right to receive property that is traceable to:
 - **(A)** an award under a crime victim's reparation law;
 - **(B)** a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;
 - **(C)** a payment under a life insurance contract that insured the life of an individual of whom the debtor was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;
 - **(D)** a payment, including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent; or
 - **(E)** a payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;
- **(12)** provisions for 3 months support, whether provided or growing;
- **(13)** the library, office furniture, and implements of a professional person or artist, not exceeding \$300 in value;
- **(14)** the debtor's aggregate interest in real property used as the residence of the debtor, or property that the debtor or a dependent of the debtor in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot for the debtor or dependent of the debtor, except nothing relative to these exemptions shall impair the following debt instruments on real property: deed of trust, mortgage, mechanic's lien, or tax lien; and
- **(15)** if the debtor is a notary public, the debtor's official seal, as defined in 1-1231.01(11) and official documents.

The asset ceiling may be waived for applicants under unusual circumstances, when approved by the Executive Director, or his/her designee. When the asset ceiling is waived, NLSP will record the reasons for such waiver and keep such records.

When calculating an applicant's assets, NLSP shall consider all assets not excluded above including, but not limited to:

- Cash/Checking Account/Savings Account;
- Certificates of Deposit;
- Stocks or bonds;
- Savings or checking accounts;
- All vehicles not used for transportation; and
- Other real and personal property not otherwise excluded.

GROUP REPRESENTATION (45 CFR §1611.6)

NLSP may provide legal assistance supported by LSC funds to a group, corporation, association or other entity if it provides information showing that it lacks, and has no practical means of obtaining, funds to retain private counsel and either:

- The group, or for a non-membership group the organizing or operating body of the group, is primarily composed of individuals who would be financially eligible for LSC-funded legal assistance; or
- The group has as a principal activity the delivery of services to those persons in the community who would be financially eligible for LSC- funded legal assistance and the legal assistance sought relates to such activity.

In order to make a determination that a group, corporation, association or other entity is eligible for legal services as required by paragraph A of this section, NLSP shall consider the resources available to the group, such as the group's income and income prospects, assets and obligations and either:

- For a group primarily composed of individuals who would be financially eligible for LSC-funded legal assistance, whether the financial or other socioeconomic characteristics of the persons comprising the group are consistent with those of persons who are financially eligible for LSC- funded legal assistance; or
- For a group having as a principal activity the delivery of services to those persons in the community who would be financially eligible for LSC- funded legal assistance, whether the financial or other socioeconomic characteristics of the persons served by the group are consistent with those of persons who are financially eligible for LSC-funded legal assistance and the assistance sought relates to such activity of the group.

NLSP shall collect information that reasonably demonstrates that the group, corporation, association or other entity meets the eligibility criteria set forth herein and shall preserve that information in the client's file.

CHANGE IN FINANCIAL ELIGIBILITY STATUS

If NLSP becomes aware that the client is no longer financially eligible for services through a change in circumstances or later discovered/disclosed information, NLSP shall discontinue representation if the change in circumstances is likely to continue and discontinuation is not inconsistent with the DC Rules of Professional Responsibility.

BOARD REVIEW POLICY (45 CFR §1611.3(d))

The NLSP Board of Directors shall review the Financial Eligibility Policy at least once every three years and make adjustments as necessary.

LSC REGULATIONS -- 45 CFR § 1611

§ 1611.1 Purpose.

This part sets forth requirements relating to the financial eligibility of individual applicants for legal assistance supported with LSC funds and recipients' responsibilities in making financial eligibility determinations. This part is not intended to and does not create any entitlement to service for persons deemed financially eligible. This part also seeks to ensure that financial eligibility is determined in a manner conducive to development of an effective attorney-client relationship. In addition, this part sets forth standards relating to the eligibility of groups for legal assistance supported with LSC funds. Finally, this part sets forth requirements relating to recipients' responsibilities in executing retainer agreements with clients.

§ 1611.2 Definitions.

(a) "Advice and counsel" means legal assistance that is limited to the review of information relevant to the client's legal problem(s) and counseling the client on the relevant law and/or suggested course of action. Advice and counsel does not encompass drafting of documents or making third-party contacts on behalf of the client.

(b) "Applicable rules of professional responsibility" means the rules of ethics and professional responsibility generally applicable to attorneys in the jurisdiction where the recipient provides legal services.

(c) "Applicant" means an individual who is seeking legal assistance supported with LSC funds from NLSP. The term does not include a group, corporation or association.

(d) "Assets" means cash or other resources of the applicant or members of the applicant's household that are readily convertible to cash, which are currently and actually available to the applicant.

(e) "Brief services" means legal assistance in which the recipient undertakes to provide a discrete and time-limited service to a client beyond advice and consultation, including but not limited to activities, such as the drafting of documents or making limited third party contacts on behalf of a client.

(f) "Extended service" means legal assistance characterized by the performance of multiple tasks incident to continuous representation. Examples of extended service would include representation of a client in litigation, an administrative adjudicative proceeding, alternative dispute resolution proceeding, extended negotiations with a third party, or other legal representation in which the recipient undertakes responsibility for protecting or advancing a client's interest beyond advice and counsel or brief services.

(g) "Governmental program for low income individuals or families" means any Federal, State

or local program that provides benefits of any kind to persons whose eligibility is determined on the basis of financial need.

(h) "Governmental program for persons with disabilities" means any Federal, State or local program that provides benefits of any kind to persons whose eligibility is determined on the basis of mental and/or physical disability.

(i) "Income" means actual current annual total cash receipts before taxes of all persons who are resident members and contribute to the support of an applicant's household, as that term is defined by the recipient.

Total cash receipts include, but are not limited to:

- wages and salaries before any deduction;
- income from self-employment after deductions for business or farm expenses;
- regular payments from governmental programs for low-income persons or persons with disabilities;
- social security payments;
- unemployment and worker's compensation payments;
- strike benefits from union funds;
- veterans benefits;
- training stipends;
- alimony;
- child support payments;
- military family allotments;
- public or private employee pension benefits;
- regular insurance or annuity payments;
- income from dividends, interest, rents, royalties or from estates and trusts; and
- other regular or recurring sources of financial support that are currently and actually available to the applicant.

Total cash receipts do not include the value of food or rent received by the applicant in lieu of wages; money withdrawn from a bank; tax refunds; gifts; compensation and/or one-time insurance payments for injuries sustained; non-cash benefits; and up to \$2,000 per year of funds received by individual Native Americans that is derived from Indian trust income or other distributions exempt by statute.

§ 1611.3 Financial eligibility policies.

(a) The governing body of a recipient shall adopt policies consistent with this part for determining the financial eligibility of applicants and groups. The governing body shall review its financial eligibility policies at least once every three years and make adjustments as necessary. The recipient shall implement procedures consistent with its policies.

(b) As part of its financial eligibility policies, every recipient shall specify that only individuals and groups determined to be financially eligible under the recipient's financial eligibility policies and LSC regulations may receive legal assistance supported with LSC funds.

(c)

(1) As part of its financial eligibility policies, every recipient shall establish annual income ceilings for individuals and households, which may not exceed one hundred and twenty five percent (125%) of the current official Federal Poverty Guidelines amounts. The Corporation shall annually calculate 125% of the Federal Poverty Guidelines amounts and publish such calculations in the Federal Register as a revision to Appendix A to this part.

(2) As part of its financial eligibility policies, a recipient may adopt authorized exceptions to its annual income ceilings consistent with § 1611.5.

(d)

(1) As part of its financial eligibility policies, every recipient shall establish reasonable asset ceilings for individuals and households. In establishing asset ceilings, the recipient may exclude consideration of a household's principal residence, vehicles used for transportation, assets used in producing income, and other assets which are exempt from attachment under State or Federal law.

(2) The recipient's policies may provide authority for waiver of its asset ceilings for specific applicants under unusual circumstances and when approved by the recipient's Executive Director, or his/her designee. When the asset ceiling is waived, the recipient shall record the reasons for such waiver and shall keep such records as are necessary to inform the Corporation of the reasons for such waiver.

(e) Notwithstanding any other provision of this part, or other provision of the recipient's financial eligibility policies, every recipient shall specify as part of its financial eligibility policies that in assessing the income or assets of an applicant who is a victim of domestic violence, the recipient shall consider only the assets and income of the applicant and members of the applicant's household other than those of the alleged perpetrator of the domestic violence and shall not include any assets held by the alleged perpetrator of the domestic violence, jointly held by the applicant with the alleged perpetrator of the domestic violence, or assets jointly held by any member of the applicant's household with the alleged perpetrator of the domestic violence.

(f) As part of its financial eligibility policies, a recipient may adopt policies that permit financial eligibility to be established by reference to an applicant's receipt of benefits from a governmental program for low-income individuals or families consistent with § 1611.4(c).

(g) Before establishing its financial eligibility policies, a recipient shall consider the cost of living in the service area or locality and other relevant factors, including but not limited to:

- (1) The number of clients who can be served by the resources of the recipient;
- (2) The population that would be eligible at and below alternative income and asset ceilings; and
- (3) The availability and cost of legal services provided by the private bar and other free or low cost legal services providers in the area.

§ 1611.4 Financial eligibility for legal assistance.

(a) A recipient may provide legal assistance supported with LSC funds only to individuals whom the recipient has determined to be financially eligible for such assistance. Nothing in this part, however, prohibits a recipient from providing legal assistance to an individual without regard to that individual's income and assets if the legal assistance is wholly supported by funds from a source other than LSC, and is otherwise permissible under applicable law and regulation.

(b) Consistent with the recipient's financial eligibility policies and this part, the recipient may determine an applicant to be financially eligible for legal assistance if the applicant's assets do not exceed the recipient's applicable asset ceiling established pursuant to § 1611.3(d)(1), or the applicable asset ceiling has been waived pursuant § 1611.3(d)(2), and:

- (1) The applicant's income is at or below the recipient's applicable annual income ceiling; or
- (2) The applicant's income exceeds the recipient's applicable annual income ceiling but one or more of the authorized exceptions to the annual income ceilings, as provided in § 1611.5, applies.

(c) Consistent with the recipient's policies, a recipient may determine an applicant to be financially eligible without making an independent determination of income or assets, if the applicant's income is derived solely from a governmental program for low-income individuals or families, provided that the recipient's governing body has determined that the income standards of the governmental program are at or below 125% of the Federal Poverty Guidelines amounts and that the governmental program has eligibility standards which include an assets test.

§ 1611.5 Authorized exceptions to the annual income ceiling.

(a) Consistent with the recipient's policies and this part, a recipient may determine an applicant whose income exceeds the recipient's applicable annual income ceiling to be financially eligible if the applicant's assets do not exceed the recipient's applicable asset ceiling established pursuant to § 1611.3(d), or the asset ceiling has been waived pursuant to § 1611.3(d)(2), and:

- (1) The applicant is seeking legal assistance to maintain benefits provided by a governmental program for low income individuals or families; or
- (2) The Executive Director of the recipient, or his/her designee, has determined on the basis of documentation received by the recipient, that the applicant's income is primarily committed to medical or nursing home expenses and that, excluding such portion of the applicant's income which is committed to medical or nursing home expenses, the applicant would otherwise be

financially eligible for service; or

(3) The applicant's income does not exceed 200% of the applicable Federal Poverty Guidelines amount and:

- (i) The applicant is seeking legal assistance to obtain governmental benefits for low income individuals and families; or
- (ii) The applicant is seeking legal assistance to obtain or maintain governmental benefits for persons with disabilities; or

(4) The applicant's income does not exceed 200% of the applicable Federal Poverty Guidelines amount and the recipient has determined that the applicant should be considered financially eligible based on consideration of one or more of the following factors as applicable to the applicant or members of the applicant's household:

- (i) Current income prospects, taking into account seasonal variations in income;
- (ii) Unreimbursed medical expenses and medical insurance premiums;
- (iii) Fixed debts and obligations;
- (iv) Expenses such as dependent care, transportation, clothing and equipment expenses necessary for employment, job training, or educational activities in preparation for employment;
- (v) Non-medical expenses associated with age or disability;
- (vi) Current taxes; or
- (vii) Other significant factors that the recipient has determined affect the applicant's ability to afford legal assistance.

(b) In the event that a recipient determines that an applicant is financially eligible pursuant to this section and is provided legal assistance, the recipient shall document the basis for the financial eligibility determination. The recipient shall keep such records as may be necessary to inform the Corporation of the specific facts and factors relied on to make such determination.

§ 1611.6 Representation of groups.

(a) A recipient may provide legal assistance to a group, corporation, association or other entity if it provides information showing that it lacks, and has no practical means of obtaining, funds to retain private counsel and either:

- (1) The group, or for a non-membership group the organizing or operating body of the group, is primarily composed of individuals who would be financially eligible for LSC-funded legal assistance; or
- (2) The group has as a principal activity the delivery of services to those persons in the community who would be financially eligible for LSC-funded legal assistance and the legal assistance sought relates to such activity.

(b)

(1) In order to make a determination that a group, corporation, association or other entity is eligible for legal services as required by paragraph (a) of this section, a recipient shall consider the

resources available to the group, such as the group's income and income prospects, assets and obligations and either:

(i) For a group primarily composed of individuals who would be financially eligible for LSC-funded legal assistance, whether the financial or other socioeconomic characteristics of the persons comprising the group are consistent with those of persons who are financially eligible for LSC-funded legal assistance; or

(ii) For a group having as a principal activity the delivery of services to those persons in the community who would be financially eligible for LSC-funded legal assistance, whether the financial or other socioeconomic characteristics of the persons served by the group are consistent with those of persons who are financially eligible for LSC-funded legal assistance and the assistance sought relates to such activity of the group.

(2) A recipient shall collect information that reasonably demonstrates that the group, corporation, association or other entity meets the eligibility criteria set forth herein.

(c) The eligibility requirements set forth herein apply only to legal assistance supported by funds from LSC, provided that any legal assistance provided by a recipient, regardless of the source of funds supporting the assistance, must be otherwise permissible under applicable law and regulation.

§ 1611.7 Manner of determining financial eligibility.

(a)

(1) In making financial eligibility determinations regarding individual applicants, a recipient shall make reasonable inquiry regarding sources of the applicant's income, income prospects and assets. The recipient shall record income and asset information in the manner specified in this section.

(2) In making financial eligibility determinations regarding groups seeking LSC-supported legal assistance, a recipient shall follow the requirements set forth in § 1611.6(b) of this part.

(b) A recipient shall adopt simple intake forms and procedures to obtain information from applicants and groups to determine financial eligibility in a manner that promotes the development of trust between attorney and client. The forms shall be preserved by the recipient.

(c) If there is substantial reason to doubt the accuracy of the financial eligibility information provided by an applicant or group, a recipient shall make appropriate inquiry to verify the information, in a manner consistent with the attorney-client relationship.

(d) When one recipient has determined that a client is financially eligible for service in a particular case or matter, that recipient may request another recipient to extend legal assistance or undertake representation on behalf of that client in the same case or matter in reliance upon the initial financial eligibility determination. In such cases, the receiving recipient is not required to review or redetermine the client's financial eligibility unless there is a change in financial eligibility status as described in § 1611.8 or there is substantial reason to doubt the validity of the original determination, provided that the referring recipient provides and the receiving recipient retains a copy of the intake form documenting the financial eligibility of the client.

§ 1611.8 Change in financial eligibility status.

(a) If, after making a determination of financial eligibility and accepting a client for service, the recipient becomes aware that a client has become financially ineligible through a change in circumstances, a recipient shall discontinue representation supported with LSC funds if the change in circumstances is sufficient, and is likely to continue, to enable the client to afford private legal assistance, and discontinuation is not inconsistent with applicable rules of professional responsibility.

(b) If, after making a determination of financial eligibility and accepting a client for service, the recipient later determines that the client is financially ineligible on the basis of later discovered or disclosed information, a recipient shall discontinue representation supported with LSC funds if the discontinuation is not inconsistent with applicable rules of professional responsibility.

§ 1611.9 Retainer agreements.

(a) When a recipient provides extended service to a client, the recipient shall execute a written retainer agreement with the client. The retainer agreement shall be executed when representation commences or as soon thereafter as is practicable. Such retainer agreement must be in a form consistent with the applicable rules of professional responsibility and prevailing practices in the recipient's service area and shall include, at a minimum, a statement identifying the legal problem for which representation is sought, and the nature of the legal services to be provided.

(b) No written retainer agreement is required for advice and counsel or brief service provided by the recipient to the client or for legal services provided to the client by a private attorney pursuant to 45 CFR part 1614.

(c) The recipient shall maintain copies of all retainer agreements generated in accordance with this section.

Appendix A – 2024 Federal Poverty Guidelines

125% of the Federal Poverty Level Guidelines

Family Size	Annual	Monthly	Weekly
1	\$18,825	\$1,569	\$362
2	\$25,550	\$2,129	\$491
3	\$32,275	\$2,690	\$621
4	\$39,000	\$3,250	\$750
5	\$45,725	\$3,810	\$879
6	\$52,450	\$4,371	\$1,009
7	\$59,175	\$4,931	\$1,138
8	\$65,900	\$5,492	\$1,267
Each Add'l	\$6,725	\$560	\$129

200% of the Federal Poverty Level Guidelines

Family Size	Annual	Monthly	Weekly
1	\$30,120	\$2,510	\$579
2	\$40,880	\$3,407	\$786
3	\$51,640	\$4,303	\$993
4	\$62,400	\$5,200	\$1,200

5	\$73,160	\$6,097	\$1,407
6	\$83,920	\$6,993	\$1,614
7	\$94,680	\$7,890	\$1,821
8	\$105,440	\$8,787	\$2,028
Each Add'l	\$10,760	\$897	\$207