

Department of Veterans Affairs

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§ 78.155 Technical assistance.

VA will provide technical assistance, as necessary, to applicants and grantees to meet the requirements of this part. Such technical assistance will be provided either directly by VA or through contracts with appropriate public or non-profit private entities.

§ 78.160 Withholding, suspension, deobligation, termination, and recovery of funds by VA.

VA will enforce this part through such actions as may be appropriate. Appropriate actions include withholding, suspension, deobligation, termination, recovery of funds by VA, and actions in accordance with 2 CFR part 200.

§ 78.165 Suicide prevention services grant closeout procedures.

Suicide prevention services grants will be closed out in accordance with 2 CFR part 200.

PART 79—LEGAL SERVICES FOR HOMELESS VETERANS AND VETERANS AT-RISK FOR HOMELESSNESS GRANT PROGRAM

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AUTHORITY: 38 U.S.C. 501, 38 U.S.C. 2022A, and as noted in specific sections.

SOURCE: 87 FR 33041, June 1, 2022, unless otherwise noted.

§ 79.0 Purpose and scope.

(a) *Purpose.* This part implements the Legal Services for Homeless Veterans and Veterans At-Risk for Homelessness Grant Program to award legal services grants to eligible entities to provide legal services to eligible veterans.

(b) *Scope.* Legal services covered by this part are those services that address the needs of eligible veterans who are homeless or at risk for homelessness.

§ 79.5 Definitions.

For purposes of this part and any Notice of Funding Opportunity (NOFO) issued under this part:

Applicant means an eligible entity that submits an application for a legal services grant announced in a NOFO.

At risk for homelessness means an individual who meets the criteria identified in § 79.15(b).

Disallowed costs means costs charged by a grantee that VA determines to be unallowable based on applicable Federal cost principles or based on this part or the legal services grant agreement.

Eligible entity means an entity that meets the requirements of § 79.10.

Eligible veteran means a veteran that meets the requirements of § 79.15(a) or (b).

Grantee means an eligible entity that is awarded a legal services grant under this part.

Homeless veteran means a veteran who is homeless as that term is defined in subsection (a) or (b) of section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302).

Indian tribe has the meaning as given that term in in 25 U.S.C. 4103.

Legal services means the services listed in § 79.20.

Legal services grant means a grant awarded under this part.

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Legal services grant agreement means the agreement executed between VA and a grantee as specified under § 79.70.

Non-profit private entity means an entity that meets the criteria in § 79.10(c).

Notice of Funding Opportunity (NOFO) has the meaning as given to this term in 2 CFR 200.1.

Participant means an eligible veteran who is receiving legal services from a grantee under this part.

Public entity means an entity that meets the criteria in § 79.10(b).

Rural communities means those communities considered rural according to the Rural-Urban Commuting Area (RUCA) system as determined by the United States Department of Agriculture (USDA).

State means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of local governments.

Subcontractor means any third-party contractor, of any tier, working directly for an eligible entity.

Suspension means an action by VA that temporarily withdraws VA funding under a legal services grant, pending corrective action by the grantee or pending a decision to terminate the legal services grant by VA. Suspension of a legal services grant is a separate action from suspension under VA regulations or guidance implementing Executive Orders 12549 and 12689, “Debarment and Suspension.”

Tribal organization has the meaning given that term in 25 U.S.C. 5304.

Trust land has the meaning given that term in 38 U.S.C. 3765.

Very Low Income means a veteran’s income is 50 percent or less of the median income for an area or community.

Veteran has the meaning given to that term in 38 U.S.C. 101(2).

Withholding means that payment of a legal services grant will not be paid until such time as VA determines that the grantee provides sufficiently adequate documentation and/or actions to correct a deficiency for the legal services grant.

[87 FR 33041, June 1, 2022, as amended at 89 FR 89501, Nov. 13, 2024]

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§ 79.10 Eligible entities.

(a) To be an eligible entity under this part, the entity must:

(1) Be a public or nonprofit private entity with the capacity to effectively administer a grant under this part;

(2) Demonstrate that adequate financial support will be available to carry out the services for which the grant is sought consistent with the legal services grant application; and

(3) Agree to meet the applicable criteria and requirements of this part.

(b) A public entity includes any of the following:

(1) Local government, (that is, a county, municipality, city, town, township, local public authority (including any public and Indian housing agency under the United States Housing Act of 1937), school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under state law), any other regional or interstate government entity, or any agency or instrumentality of a local government);

(2) State government;

(3) Federally recognized Indian tribal government. The governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community (including any Native village as defined in section 3 of the Alaska Native Claims Settlement Act, 85 Stat 688) certified by the Secretary of the Interior as eligible for the special programs and services provided by the Bureau of Indian Affairs.

(c) A nonprofit private entity is an entity that meets the requirements of 26 U.S.C. 501(c)(3), (6), or (19).

[87 FR 33041, June 1, 2022, as amended at 89 FR 89501, Nov. 13, 2024]

§ 79.15 Eligible veterans.

(a) To be eligible for legal services under this part, an individual must be a:

(1) Homeless veteran or

(2) Veteran at risk for homelessness.

(b) “At risk for homelessness” in this part means an individual who does not have sufficient resources or support networks, *e.g.*, family, friends, faith-based or other social networks, immediately available to prevent them from

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moving to an emergency shelter or another place described in paragraph (1) of the definition of “homeless” in 24 CFR 576.2 and meets one or more of the following conditions:

(1) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for assistance;

(2) Is living in the home of another because of economic hardship;

(3) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;

(4) Is constructively evicted from their current housing because of untenable conditions created by the landlord such as shutting off electricity and water or discriminatory acts;

(5) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local government programs for low-income individuals;

(6) Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 persons reside per room, as defined by the U.S. Census Bureau;

(7) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution);

(8) Is fleeing, or is attempting to flee domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual, including a child, that has either taken place within the individual’s primary nighttime residence or has made the individual afraid to return to their primary nighttime residence; or

(9) Otherwise lives in housing that has characteristics associated with instability and an increased risk for homelessness.

§ 79.20 Legal services.

Allowable legal services covered under this Grant Program are limited to the following:

(a) Legal services related to housing, including eviction defense, representation in landlord-tenant cases, and representation in foreclosure cases.

(b) Legal services relating to family law, including assistance in court proceedings for child support and custody, divorce, estate planning, and family reconciliation.

(c) Legal services relating to income support, including assistance in obtaining public benefits.

(d) Legal services relating to criminal defense, including defense and resolution of, and assistance with, matters symptomatic of homelessness, such as outstanding warrants, fines, driver’s license revocation, and citations. To reduce recidivism and facilitate the overcoming of reentry obstacles in employment or housing, covered legal services relating to criminal defense also include legal assistance with requests to expunge or seal a criminal record.

(e) Legal services relating to requests to upgrade the characterization of a discharge or dismissal of a former member of the Armed Forces under 10 U.S.C. 1553.

(f) Other covered legal services as determined appropriate by the Secretary, including:

(1) Legal assistance with protective orders and other matters related to domestic or intimate partner violence.

(2) Access to health care.

(3) Consumer law matters, such as debt collection, garnishments, usury, fraud, deceit, and financial exploitation.

(4) Employment law matters.

(5) The unmet legal needs of male and female veterans in VA’s annual Community Homelessness Assessment, Local Education and Networking Groups (CHALENG) survey for the grant award year.

(6) Legal services relating to requests for corrections to military records of a former member of the Armed Forces under 10 U.S.C. 1552.

[87 FR 33041, June 1, 2022, as amended at 89 FR 89501, Nov. 13, 2024]

§ 79.25 Applications for legal services grants.

(a) To apply for a legal services grant, an applicant must submit to VA

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a complete legal services grant application package, as described in the NOFO. A complete legal services grant application package includes the following:

(1) A description of the legal services to be provided by the applicant and the identified need for such legal services among eligible veterans;

(2) A description of how the applicant will ensure that services are provided to eligible veterans, including women veterans;

(3) A description of the characteristics of eligible veterans who will receive legal services provided by the applicant;

(4) An estimate with supporting documentation of the number of eligible veterans, including an estimate of the number of eligible women veterans, who will receive legal services provided by the applicant;

(5) A plan for how the applicant will use at least ten percent of the grant funds to serve eligible women veterans;

(6) Documentation describing the experience of the applicant and any identified subcontractors in providing legal services to eligible veterans;

(7) Documentation relating to the applicant's ability to coordinate with any identified subcontractors;

(8) Documentation of the applicant's capacity to effectively administer a grant under this section that describes the applicant's:

(i) Accounting practices and financial controls;

(ii) Capacity for data collection and reporting required under this part; and

(iii) Experience administering other Federal, State, or county grants similar to the Grant Program under this part.

(9) Documentation of the managerial capacity of the applicant to:

(i) Coordinate the provision of legal services by the applicant or by other organizations on a referral basis;

(ii) Assess continuously the needs of eligible veterans for legal services;

(iii) Coordinate the provision of legal services with services provided by VA;

(iv) Customize legal services to the needs of eligible veterans; and

(v) Comply with and implement the requirements of this part throughout the term of the legal services grant.

(10) Documentation that demonstrates that adequate financial support will be available to carry out the legal services for which the grant is sought consistent with the application; and

(11) Any additional information as deemed appropriate by VA.

(b) Subject to funding availability, grantees may submit an application for renewal of a legal services grant if the grantee's program will remain substantially the same. To apply for renewal of a legal services grant, a grantee must submit to VA a complete legal services grant renewal application package, as described in the NOFO.

(c) VA may request in writing that an applicant or grantee, as applicable, submit other information or documentation relevant to the legal services grant application.

(The Office of Management and Budget has approved the information collection provisions in this section under control number 2900-0905)

[87 FR 33041, June 1, 2022, as amended at 89 FR 89501, Nov. 13, 2024]

§ 79.30 Threshold requirements prior to scoring legal services grant applicants.

VA will only score applicants that meet the following threshold requirements:

(a) The application is filed within the time period established in the NOFO, and any additional information or documentation requested by VA under § 79.25(c) is provided within the time frame established by VA;

(b) The application is completed in all parts;

(c) The activities for which the legal services grant is requested are eligible for funding under this part;

(d) The applicant's prospective participants are eligible to receive legal services under this part;

(e) The applicant agrees to comply with the requirements of this part;

(f) The applicant does not have an outstanding obligation to the Federal Government that is in arrears and does not have an overdue or unsatisfactory response to an audit; and

(g) The applicant is not in default by failing to meet the requirements for any previous Federal assistance.

§ 79.35 Scoring criteria for legal services grant applicants.

VA will score applicants who are applying for a legal services grant VA will set forth specific point values to be awarded for each criterion in the NOFO. VA will use the following criteria to score these applicants:

(a) VA will award points based on the background, qualifications, experience, and past performance, of the applicant, and any subcontractors identified by the applicant in the legal services grant application, as demonstrated by the following:

(1) *Background and organizational history.* (i) Applicant's, and any identified subcontractors', background and organizational history are relevant to providing legal services.

(ii) Applicant, and any identified subcontractors, maintain organizational structures with clear lines of reporting and defined responsibilities.

(iii) Applicant, and any identified subcontractors, have a history of complying with agreements and not defaulting on financial obligations.

(2) *Organization and staff qualifications.* (i) Applicant, and any identified subcontractors, have experience working with veterans or individuals who are homeless, at risk for homelessness, or who have very low income, as defined under this part.

(ii) Applicant, and any identified subcontractors, have experience providing legal services, including providing such services to veterans, or individuals who are homeless, at risk for homelessness or who have very low income.

(iii) Applicant, and any identified subcontractors, have or plan to hire staff, who are qualified to administer legal services, and as applicable, are in good standing as a member of the applicable State bar.

(iv) Applicant's staff, and any identified subcontractors' staff, have experience administering programs similar to the Grant Program under this part.

(b) VA will award points based on the applicant's program concept and legal services plan, as demonstrated by the following:

(1) *Need for the program.* (i) Applicant has shown a need amongst eligible veterans in the area or community where the program will be based.

(ii) Applicant understands the legal services needs unique to eligible veterans in the area or community where the program will be based.

(2) *Outreach and screening plan.* (i) Applicant has a feasible outreach and referral plan to identify and assist eligible veterans in need of legal services.

(ii) Applicant has a plan to process and receive legal services referrals for eligible veterans.

(iii) Applicant has a plan to assess and accommodate the needs of referred eligible veterans.

(3) *Program concept.* (i) Applicant's program concept, size, scope, and staffing plan are feasible.

(ii) Applicant's program is designed to meet the legal needs of eligible veterans in the area or community where the program will be based.

(4) *Program implementation timeline.* (i) Applicant's program will be implemented in a timely manner and legal services will be delivered to eligible veterans as quickly as possible and within a specified timeline.

(ii) Applicant has a hiring plan in place to meet the applicant's program timeline or has existing staff to meet such timeline.

(5) *Collaboration and communication with VA.* Applicant has a plan to coordinate outreach and services with local VA facilities.

(6) *Ability to meet VA's requirements, goals, and objectives for the grant program.* Applicant is committed to ensuring that its program meets VA's requirements, goals, and objectives for the Grant Program as identified in the NOFO.

(7) *Capacity to undertake program.* Applicant has sufficient capacity, including staff resources, to undertake the program.

(c) VA will award points based on the applicant's quality assurance and evaluation plan, as demonstrated by the following:

(1) *Program evaluation.* Applicant has created clear, realistic, and measurable metrics that align with the Grant Program's aim of addressing the legal needs of eligible veterans and through which the applicant's program performance can be continually evaluated.

(2) *Monitoring.* (i) Applicant has adequate controls in place to regularly

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monitor the program, including any subcontractors, for compliance with all applicable laws, regulations, and guidelines.

(ii) Applicant has adequate financial and operational controls in place to ensure the proper use of legal services grant funds.

(iii) Applicant has a plan for ensuring that the applicant's staff and any subcontractors are appropriately trained and comply with the requirements of this part.

(3) *Remediation.* Applicant has a plan or establishes a system for remediating non-compliant aspects of the program if and when they are identified.

(4) *Management and reporting.* Applicant's program management team has the capability and a system in place to provide to VA timely and accurate reports at the frequency set by VA.

(d) VA will award points based on the applicant's financial capability and plan, as demonstrated by the following:

(1) *Organizational finances.* Applicant, and any identified subcontractors, are financially stable.

(2) *Financial feasibility of program.* (i) Applicant has a realistic plan for obtaining all funding required to operate the program for the period of the legal services grant.

(ii) Applicant's program is cost-effective and can be effectively implemented on-budget.

(e) VA will award points based on the applicant's area or community linkages and relations, as demonstrated by the following:

(1) *Area or community linkages.* Applicant has a plan for developing or has existing linkages with Federal (including VA), State, local, and tribal governments, agencies, and private entities for the purposes of providing additional legal services to eligible veterans.

(2) *Past working relationships.* Applicant (or applicant's staff), and any identified subcontractors (or subcontractors' staff), have fostered successful working relationships and linkages with public and private organizations providing legal and non-legal supportive services to veterans who are also in need of services similar to those covered under the Grant Program.

(3) *Local presence and knowledge.* (i) Applicant has a presence in the area or community to be served by the applicant.

(ii) Applicant understands the dynamics of the area or community to be served by the applicant.

(4) *Integration of linkages and program concept.* Applicant's linkages to the area or community to be served by the applicant enhance the effectiveness of the applicant's program.

§ 79.40 Selection of grantees.

VA will use the following process to select applicants to receive legal services grants:

(a) VA will score all applicants that meet the threshold requirements set forth in § 79.30 using the scoring criteria set forth in § 79.35.

(b) VA will group applicants within the applicable funding priorities if funding priorities are set forth in the NOFO.

(c) VA will rank those applicants who receive at least the minimum amount of total points and points per category set forth in the NOFO, within their respective funding priority group, if any. The applicants will be ranked in order from highest to lowest scores, within their respective funding priority group, if any.

(d) VA will use the applicant's ranking as the primary basis for selection for funding. However, VA will also use the following considerations to select applicants for funding:

(1) VA will give preference to applicants that have the demonstrated ability to provide the provision of legal services eligible individuals who are homeless, at risk for homelessness or have very low income, as defined by this part.

(2) To the extent practicable, VA will ensure that legal services grants are equitably distributed across geographic regions, including rural communities, trust lands, Native Americans, and tribal organizations.

(3) VA will give preference to applicants with a demonstrated focus on women veterans as set forth in the NOFO.

(e) Subject to paragraph (d) of this section, VA will fund the highest-ranked applicants for which funding is

available, within the highest funding priority group, if any. If funding priorities have been established, to the extent funding is available and subject to paragraph (d) of this section, VA will select applicants in the next highest funding priority group based on their rank within that group.

(f) If an applicant would have been selected but for a procedural error committed by VA, VA may select that applicant for funding when sufficient funds become available if there is no material change in the information that would have resulted in the applicant's selection. A new application would not be required.

§ 79.45 Scoring criteria for grantees applying for renewal of legal services grants.

VA will score applicants who are applying for a renewal of a legal services grant. VA will set forth specific point values to be awarded for each criterion in the NOFO. VA will use the following criteria to score grantees applying for renewal of a legal services grant:

(a) VA will award points based on the success of the grantee's program, as demonstrated by the following:

(1) Participants were satisfied with the legal services provided by the grantee.

(2) The grantee delivered legal services to participants in a timely manner.

(3) The grantee implemented the program by developing and sustaining relationships with community partners to refer veterans in need of legal services.

(4) The grantee was effective in conducting outreach to eligible veterans, including specifically to women veterans, and increased engagement of eligible veterans seeking legal services provided by the grantee.

(b) VA will award points based on the cost effectiveness of the grantee's program, as demonstrated by the following:

(1) The cost per participant was reasonable.

(2) The grantee's program was effectively implemented within budget.

(c) VA will award points based on the extent to which the grantee complied with the Grant Program's goals and re-

quirements, as demonstrated by the following:

(1) The grantee's program was administered in accordance with VA's goals for the Grant Program as described in the NOFO.

(2) The grantee's program was administered in accordance with all applicable laws, regulations, and guidelines.

(3) The grantee's program was administered in accordance with the grantee's legal services grant agreement.

§ 79.50 Selecting grantees for renewal of legal services grants.

VA will use the following process to select grantees applying for renewal of legal services grants:

(a) So long as the grantee continues to meet the threshold requirements set forth in § 79.30, VA will score the grantee using the scoring criteria set forth in § 79.45.

(b) VA will rank those grantees who receive at least the minimum amount of total points and points per category set forth in the NOFO. The grantees will be ranked in order from highest to lowest scores.

(c) VA will use the grantee's ranking as the basis for selection for funding. VA will fund the highest-ranked grantees for which funding is available.

(d) At its discretion, VA may award any non-renewed funds to an applicant or existing grantee. If VA chooses to award non-renewed funds to an applicant or existing grantee, funds will be awarded as follows:

(1) VA will first offer to award the non-renewed funds to the applicant or grantee with the highest grant score under the relevant NOFO that applies for, or is awarded a renewal grant in, the same community as, or a proximate community to, the affected community. Such applicant or grantee must have the capacity and agree to provide prompt services to the affected community. For the purposes of this section, the relevant NOFO is the most recently published NOFO which covers the geographic area that includes the affected community, or for multi-year grant awards, the NOFO for which the grantee, who is offered the additional funds, received the multi-year award.

(2) If the first such applicant or grantee offered the non-renewed funds

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refuses the funds, VA will offer to award the funds to the next highest-ranked such applicant or grantee, per the criteria in paragraph (d)(1) of this section, and continue on in rank order until the non-renewed funds are awarded.

(e) If a grantee would have been selected but for a procedural error committed by VA, VA may select that grantee for funding when sufficient funds become available if there is no material change in the information that would have resulted in the grantee's selection. A new application would not be required.

§ 79.55 General operation requirements.

(a) *Eligibility documentation.* (1) Prior to providing legal services, grantees must verify and document each veteran's eligibility for legal services and classify the veteran based on the eligible veteran criteria as set forth in § 79.15.

(2) Once the grantee initiates legal services, the grantee will continue to provide legal services to the participant through completion of the legal services so long as the participant continues to meet the eligibility criteria set forth in § 79.15.

(3) If a grantee finds at any point in the grant award period that a participant is ineligible to receive legal services under this part, or the provider is unable to meet the legal needs of that participant, the grantee must document the reason for the participant's ineligibility or the grantee's inability to provide legal services and provide the veteran information on other available programs or resources or provide a referral to another legal services organization that is able to meet the veteran's needs.

(b) *Legal services documentation.* For each participant who receives legal services from the grantee, the grantee must document the legal services provided, how such services were provided, the duration of the services provided, any goals for the provision of such services, and measurable outcomes of the legal services provided as determined by the Secretary, such as whether the participant's legal issue was resolved.

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(c) *Confidentiality.* Grantees must maintain the confidentiality of records kept in connection to legal services provided to participants. Grantees that provide legal services must establish and implement procedures to ensure the confidentiality of:

(1) Records pertaining to any participant, and

(2) The address or location where the legal services are provided.

Such confidentiality should be consistent with the grantee's State bar rules on confidentiality in an attorney-client relationship.

(d) *Notifications to participants.* Prior to initially providing legal services to a participant, the grantee must notify each participant of the following:

(1) The legal services are being paid for, in whole or in part, by VA;

(2) The legal services available to the participant through the grantee's program; and

(3) Any conditions or restrictions on the receipt of legal services by the participant.

(e) *Assessment of funds.* Grantees must regularly assess how legal services grant funds can be used in conjunction with other available funds and services to ensure continuity of program operations and to assist participants.

(f) *Administration of legal services grants.* Grantees must ensure that legal services grants are administered in accordance with the requirements of this part, the legal services grant agreement, and other applicable laws and regulations. Grantees are responsible for ensuring that any subcontractors carry out activities in compliance with this part.

§ 79.60 Fee prohibition.

Grantees must not charge a fee to participants for providing legal services that are funded with amounts from a legal services grant under this part.

§ 79.65 Notice of Funding Opportunity (NOFO).

When funds are available for legal services grants, VA will publish a NOFO in the FEDERAL REGISTER and on *grants.gov*. The notice will identify:

(a) The location for obtaining legal services grant applications;

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(b) The date, time, and place for submitting completed legal services grant applications;

(c) The estimated amount and type of legal services grant funding available, including the maximum grant funding available per award;

(d) Any priorities for or exclusions from funding to meet the statutory mandates of 38 U.S.C. 2022A and VA goals for the Grant Program;

(e) The length of term for the legal services grant award;

(f) Specific point values to be awarded for each criterion listed in §§ 79.35 and 79.45;

(g) The minimum number of total points and points per category that an applicant or grantee, as applicable, must receive in order for a legal services grant to be funded;

(h) Any maximum uses of legal services grant funds for specific legal services;

(i) The timeframes and manner for payments under the legal services grant; and

(j) Other information necessary for the legal services grant application process as determined by VA, including the requirements, goals, and objectives of the Grant Program, and how the preference under § 79.40(d)(3) may be met.

§ 79.70 Legal services grant agreements.

(a) After an applicant is selected for a legal services grant in accordance with § 79.40, VA will draft a legal services grant agreement to be executed by VA and the grantee. Upon execution of the legal services grant agreement, VA will obligate legal services grant funds to cover the amount of the approved legal services grant, subject to the availability of funding. The legal services grant agreement will provide that the grantee agrees, and will ensure that each subcontractor agrees, to:

(1) Operate the program in accordance with the provisions of this part and the applicant's legal services grant application;

(2) Comply with such other terms and conditions, including recordkeeping and reports for program monitoring and evaluation purposes, as VA may establish for purposes of carrying out the

Grant Program, in an effective and efficient manner; and

(3) Provide such additional information as deemed appropriate by VA.

(b) After a grantee is selected for renewal of a legal services grant in accordance with § 79.50, VA will draft a legal services grant agreement to be executed by VA and the grantee. Upon execution of the legal services grant agreement, VA will obligate legal services grant funds to cover the amount of the approved legal services grant, subject to the availability of funding. The legal services grant agreement will contain the same provisions described in paragraph (a) of this section.

(c) No funds provided under this part may be used to replace Federal, State, tribal, or local funds previously used, or designated for use, to assist eligible veterans.

§ 79.75 Program or budget changes and corrective action plans.

(a) A grantee must submit to VA a written request to modify a legal services grant for any proposed significant change that will alter its legal services grant program. If VA approves such change, VA will issue a written amendment to the legal services grant agreement. A grantee must receive VA's approval prior to implementing a significant change. Significant changes include, but are not limited to, a change in the grantee or any subcontractors identified in the legal services grant agreement; a change in the area or community served by the grantee; additions or deletions of legal services provided by the grantee; a change in category of eligible veterans to be served; and a change in budget line items that are more than 10 percent of the total legal services grant award.

(1) VA's approval of changes is contingent upon the grantee's amended application retaining a sufficient rank to have been competitively selected for funding in the year that the application was granted.

(2) Each legal services grant modification request must contain a description of the revised proposed use of legal services grant funds.

(b) VA may require that the grantee initiate, develop, and submit to VA for approval a Corrective Action Plan

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(CAP) if, on a quarterly basis, actual legal services grant expenditures vary from the amount disbursed to a grantee for that same quarter or actual legal services grant activities vary from the grantee's program description provided in the legal services grant agreement.

(1) The CAP must identify the expenditure or activity source that has caused the deviation, describe the reason(s) for the variance, provide specific proposed corrective action(s), and provide a timetable for accomplishment of the corrective action.

(2) After receipt of the CAP, VA will send a letter to the grantee indicating that the CAP is approved or disapproved. If disapproved, VA will make beneficial suggestions to improve the proposed CAP and request resubmission or take other actions in accordance with this part.

(c) Grantees must inform VA in writing of any key personnel changes (*e.g.*, new executive director, grant program director, or chief financial officer) and grantee address changes within 30 days of the change.

(The Office of Management and Budget has approved the information collection provisions in this section under control number 2900-0905)

[87 FR 33041, June 1, 2022, as amended at 89 FR 89501, Nov. 13, 2024]

§ 79.80 Faith-based organizations.

Organizations that are faith-based are eligible, on the same basis as any other organization, to participate in the Legal Services for Homeless Veterans and Veterans At-Risk for Homelessness Grant Program under this part in accordance with 38 CFR part 50.

[89 FR 89501, Nov. 13, 2024]

§ 79.85 Visits to monitor operations and compliance.

(a) VA has the right, at all reasonable times, to make visits to all grantee locations where a grantee is using legal services grant funds in order to review grantee accomplishments and management control systems and to provide such technical assistance as may be required. VA may conduct inspections of all program locations and records of a grantee at such times as are deemed necessary to determine

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compliance with the provisions of this part. If a grantee delivers services in a participant's home, or at a location away from the grantee's place of business, VA may accompany the grantee. If the grantee's visit is to the participant's home, VA will only accompany the grantee with the consent of the participant. If any visit is made by VA on the premises of the grantee or a subcontractor under the legal services grant, the grantee must provide, and must require its subcontractors to provide, all reasonable facilities and assistance for the safety and convenience of the VA representatives in the performance of their duties. All visits and evaluations will be performed in such a manner as will not unduly delay services.

(b) The authority to inspect carries with it no authority over the management or control of any applicant or grantee under this part.

§ 79.90 Financial management and administrative costs.

(a) Grantees must comply with applicable requirements of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards under 2 CFR part 200.

(b) Grantees must use a financial management system that provides adequate fiscal control and accounting records and meets the requirements set forth in 2 CFR part 200.

(c) Payment up to the amount specified in the legal services grant must be made only for allowable, allocable, and reasonable costs in conducting the work under the legal services grant. The determination of allowable costs must be made in accordance with the applicable Federal Cost Principles set forth in 2 CFR part 200.

(d) Costs for administration by a grantee will be consistent with 2 CFR part 200. Administrative costs will consist of all costs associated with the management of the program, including administrative costs of subcontractors.

[87 FR 33041, June 1, 2022, as amended at 89 FR 89501, Nov. 13, 2024]

Department of Veterans Affairs

§ 80.1

§ 79.95 Grantee reporting requirements.

(a) VA may require grantees to provide, in such form as may be prescribed, such reports or answers in writing to specific questions, surveys, or questionnaires as VA determines necessary to carry out the Grant Program.

(b) At least once per year, or at the frequency set by VA, each grantee must submit to VA a report containing information relating to operational effectiveness; fiscal responsibility; legal services grant agreement compliance; and legal and regulatory compliance. This report must include a breakdown of how the grantee used the legal services grant funds; the number of participants assisted; information on each participant's gender, age, race, and service era; a description of the legal services provided to each participant; and any other information that VA requests.

(c) VA may request additional reports to allow VA to fully assess the provision legal services under this part.

(d) Grantees must relate financial data to performance data and develop unit cost information whenever practical.

(e) All pages of the reports must cite the assigned legal services grant number and be submitted in a timely manner as set forth in the grant agreement.

(f) Grantees must provide VA with consent to post information from reports on the internet and use such information in other ways deemed appropriate by VA. Grantees must clearly redact information that is confidential based on attorney-client privilege, unless that privilege has been waived by the client.

(The Office of Management and Budget has approved the information collection provisions in this section under control number 2900-0905)

[87 FR 33041, June 1, 2022, as amended at 89 FR 89501, Nov. 13, 2024]

§ 79.100 Recordkeeping.

Grantees must ensure that records are maintained for at least a 3-year period to document compliance with this

part. Grantees must produce such records at VA's request.

§ 79.105 Technical assistance.

VA will provide technical assistance, as necessary, to applicants and grantees to meet the requirements of this part. Such technical assistance will be provided either directly by VA or through contracts with appropriate public or non-profit private entities.

§ 79.110 Withholding, suspension, deobligation, termination, and recovery of funds by VA.

VA will enforce this part through such actions as may be appropriate. Appropriate actions include withholding, suspension, deobligation, termination, recovery of funds by VA, and actions in accordance with 2 CFR part 200.

§ 79.115 Legal services grant closeout procedures.

Legal services grants will be closed out in accordance with 2 CFR part 200.

PART 80—VETERAN AND SPOUSE TRANSITIONAL ASSISTANCE GRANT PROGRAM

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AUTHORITY: 38 U.S.C. 501, 512; Pub. L. 116-315, sec. 4304.

SOURCE: 89 FR 41316, May 13, 2024, unless otherwise noted.

§ 80.1 Purpose and use of grant funds.

Sections 80.1 through 80.17 establish the Veteran and Spouse Transitional