



December 8, 1999

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George R. Hausen, Jr., Esq.
Assistant Director
Legal Services of North Carolina, Inc.
224 S. Dawson Street
P.O. Box 26087
Raleigh, NC 27611

Re: Income Eligibility for FEMA Cases

Dear Mr. Hausen:

Your December 6, 1999, letter requests an opinion on whether FEMA is the type of government program that permits client eligibility to be determined under § 1611.4(a)(2) of our regulations.

Section 1611.4(a) authorizes exceptions to the 125% of poverty income eligibility ceiling for clients whose income does not exceed 150% of the national eligibility level, provided they fall into one of two categories. The first category, which you indicate is being used to serve disaster victims, includes clients whose circumstances meet one or more of the factors in § 1611.5(b)(1). The second category includes clients who are seeking assistance to secure benefits provided by a governme

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determining the applicant's eligibility for the benefit, then such assistance would qualify as a "governmental program for the poor" for purposes of § 1611.4(a)(2).

I hope the above is helpful to you in attempting to serve the disaster victims in your area. If you have any questions or need further clarification, please feel free to contact me.

Sincerely,