

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

RHODE ISLAND COALITION AGAINST
DOMESTIC VIOLENCE, *et al.*

Plaintiffs,

v.

ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the United States
Department of Health and Human Services, *et al.*

Defendants.

Case No. 1:25-cv-00342

**PLAINTIFFS' FIFTH MOTION TO AMEND
THE TEMPORARY RESTRAINING ORDER**

Plaintiffs move to expand the Court's July 28, 2025, Temporary Restraining Order (TRO) (ECF 23), as amended on August 20, 2025 (ECF 47), to include Plaintiff Haus of Codec and Plaintiff Iowa Coalition Against Domestic Violence and its members. In support of this motion, Plaintiffs submit the supplemental declarations of Julio Berroa and Kirsten Faisal. Expansion of the TRO is warranted for the same reasons the initial TRO was warranted, as explained in Plaintiffs' memorandum of law (ECF 13-1).

Also in early September, Plaintiff Iowa Coalition Member SafePlace received a grant agreement for a Continuum of Care Grant that includes the HUD funding conditions covered by the TRO. Supplemental Declaration of Kirsten Faisal 17. HUD directed SafePlace to sign the agreement by September 18, 2025. *Id.* Given these developments, Plaintiffs ask that the Court expand the TRO to cover the Iowa Coalition against Domestic Violence and its members' HUD grants.

Also in early September, after the Court entered its TRO, Plaintiff Haus of Codec received its HUD CoC Grant agreements. Supplemental Declaration of Julio Berroa 9. HUD advised that Haus of Codec sign those agreements before “late September” to avoid delays in processing them due to the closure of a relevant HUD office during that time. *Id.* Haus of Codec accordingly needs to sign its agreement as soon as possible to avoid delays in processing.

Defendants oppose this request. *See* Defendants’ Ongoing Objection (ECF 40).

September 14, 2025

Respectfully submitted,

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2025, I electronically filed the within motion and it is available for viewing and downloading from the Court's CM/ECF System, and that the participants in the case that are registered CM/ECF users will be served electronically by the CM/ECF system.

/s/ Amy R. Romero

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Case No. 25-cv-342

DECLARATION OF JULIO E. BERROA

I, Julio E. Berroa, declare as follows:

I. Background

1. I am the Executive Director at Haus of Codec (HOC), a direct services nonprofit organization in Rhode Island offering housing services to youth ages 18-24.

2. Haus of Codec is a non-profit corporation founded in 2021 and located in Providence, Rhode Island. Building community through the arts and educational empowerment, HOC is committed to ensuring an end to transition-aged youth homelessness in Providence through the arts and workforce development. HOC provides short-term housing solutions while searching for more long-term housing solutions. In the long term, HOC's goal is for our residents to have created a close-knit community of like-minded peer groups that can help support one another to achieve their long-term goals. Additionally, as our clients move on to more permanent housing solutions, they then can provide support to younger generations of clients who are facing similar

struggles just as the founding members did. From HOC's beginning the conversation of arts has always had an emphasis on freedom of expression and that it is crucial for the development of strong communities and individual spirits. We strive to facilitate opportunities for people to discover, explore, and nurture their own creativity and share their unique artistic voice.

3. HOC provides short-term housing for transition-age youth, ages 18 to 24, including emergency shelter (ES), transitional housing (TH), and rapid re-housing (RRH); wraparound supportive services, including weekly or monthly case management, access to a food pantry, clothing, and essential personal items, among other services; workforce development opportunities, including 1:1 coaching on resume writing and job searching, and workshops on interviewing and other areas. HOC also hosts art markets and helps develop client creativity and work ethics by creating art for sale, organizing and managing the art markets, and other volunteer opportunities for HOC. All HOC housing programs are for young adults ages 18 to 24, and Haus of Codec specializes in serving LGBTQIA+ youth.

4. In 2024,¹ HOC enrolled a total of 44 youth ages 18 to 24: 14 youth were provided emergency shelter, 16 youth were enrolled in the TH program, and 16 youth were enrolled in the RRH program. Since 2021, HOC has enrolled 84 youth in one or more of its housing programs.

5. HOC receives grants from the Department of Housing and Urban Development (HUD). My organization has an annual budget of roughly \$900,000.00. Of that total amount, roughly \$400,000.00 comes from HUD grants, including subcontracts.

¹ Data collected between December 1, 2023 and December 1, 2024.

II. HUD's New Funding Conditions

6. HUD has begun applying new funding conditions on HUD grants that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.

7. The Notice of Awards (NOAs) for the HUD CoC grants provide that the recipient's "use of funds provided under" the agreement and its "operation of projects assisted with" grant funds "are governed by ... [a]ll current Executive Orders." The NOAs also include requirements that the recipient: (1) "shall not use grant funds to promote "gender ideology," as defined in E.O. 14168, Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government;" (2) "agrees that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the U.S. Government's payment decisions for purposes of [The False Claims Act];" (3) "certifies that it does not operate any programs that violate any applicable Federal antidiscrimination laws, including Title VI of the Civil Rights Act of 1964;" and (4) "shall not use any Grant Funds to fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment."

III. Haus of Codec's HUD Grants

8. My organization has applied for and received a noncompetitive grant from HUD for the Continuum of Care Grant Program ("CoC Grant"), for the past three (3) years. HOC applied for and received its first HUD Youth Homelessness Demonstration Program (YHDP) Grant under the CoC Program in 2022 for a total funding obligation of \$800,000.00. On February 26, 2024, HOC received a NOA for a CoC Competition and Renewal or Replacement of Youth Homeless Demonstration Program Grants for \$400,000.00 for FY2023. The performance period

for that grant is from October 1, 2024, to September 30, 2025, and HOC is actively drawing down the funds for this grant.

9. On March 11, 2025, HUD awarded HOC a total of \$420,510 through the CoC Grant for YHDP Transitional Housing and Rapid Re-Housing. The grant has a period of performance of October 1, 2025, to September 30, 2026. While the NOFO did not include the new HUD funding conditions described above, on September 3, 2025, HUD sent my organization our CoC NOA which contains the new HUD funding conditions. On September 5, 2025, HUD emailed me that Ft. Worth will close in late September through October, and that “means that if [we] return a grant after Ft. Worth is closed in late September, we’ll have to wait until Ft. Worth reopens for funds to be contracted for the grant.” (See Exhibit 1.) Because our performance period starts on October 1, 2025, and because of cash flow, we need to be able to execute the grant before Ft. Worth closes, so that we can draw down funds in October. .

10. HOC relies heavily on the CoC Grant to fund critical services to support individuals and families experiencing chronic homelessness. For instance, these funds support the TH and RRH programs, which are nearly fully funded by HUD, and those programs would have to be entirely abandoned if the HUD funding was withdrawn.

11. Declining the HUD CoC funding would have a very significant detrimental impact on HOC and its mission. Without this funding, the TH and RRH programs would have to be completely abandoned, leaving certain youth (including 13 current clients receiving leasing support, and 5 clients receiving transitional housing) without any support. This would hurt the people we serve substantially. First, the clients receiving lease support would almost certainly lose their current housing. Second, the clients in transitional housing would have to be transferred to another transitional housing program. The clients in our programs would be retraumatized by

being forced out of needed programs that allow them to currently have housing. For those clients currently in transitional housing, they would be guaranteed to have to go on a new waiting list, as all of the transitional housing programs in Rhode Island are currently experiencing extreme scarcity of beds compared to the number of individuals in need. This would not only put their housing status at great risk, but also their mental and physical health.

12. HOC uses HUD funding to provide essential wraparound and case management services that address mental health and access to critical care. A loss of HUD funding would result in a loss of up to 2 staff members to provide these critical services. Because LGBTQIA+ youth have the highest suicide rates of any categories of youth, losing these services would most certainly accelerate the decline in the mental health of our clients in the TH and RRH programs, resulting in destructive decisions and poor health choices, including but not limited to suicidal ideations, self-harm, and death.

IV. HUD's New Funding Conditions Place Haus of Codec in an Untenable Position

13. Agreeing to the HUD conditions would cause HOC profound harm. The funding conditions are vague, and several could be read to conflict with HOC's core mission and the activities it has undertaken for years in furtherance of that mission and in reliance on HUD grants. The funding conditions may require HOC to cease engaging in activities that it had previously understood the grants to plainly support. Thus, my organization does not know how it may comply with the funding conditions while also staying true to its mission and providing essential support for member organizations, advocates, and vulnerable victims and survivors of sexual violence.

14. HOC is concerned about conditions requiring that we certify that we do not operate any programs that violate any applicable Federal antidiscrimination laws and agreeing that compliance with those antidiscrimination laws is material for False Claims Act purposes. Although

we have always complied with federal antidiscrimination laws, the DEI Executive Order and statements from the DOJ indicate that the government intends to enforce a legally unsupported, new interpretation of federal antidiscrimination law as prohibiting all aspects of programs focused on DEI and DEIA. My organization's mission is expressly related to diversity, equity, and inclusion, in that we specialize in providing services for LGBTQIA+ youth, including individuals with disabilities, who have a lengthy history of housing instability. These vulnerable groups have become a target of the current Administration at a time when they need more support, not less. Our organization's mission and guiding principles, particularly our emphasis on supporting LGBTQIA+ youth seems likely to conflict with the certification, and it is unclear whether HOC could comply with the administration's interpretation of federal antidiscrimination law without adopting a view antithetical to its true beliefs.

15. HOC is also unsure whether it can continue to operate programs that target underserved or marginalized communities, including the TH and RRH programs, workforce development, individual coaching and workshops, and other programs that provide services to the specific underserved population of LGBTQIA+ youth experiencing homelessness. Now, it is unclear whether these programs would fall within the administration's interpretation of federal antidiscrimination law as prohibiting DEI and DEIA programs.

16. HOC is also concerned about the HUD condition that prohibits using grant funds to "promote" gender ideology. In providing direct client services and wraparound supportive services, many of my organization's staff use clients' preferred pronouns to demonstrate support for people who do not identify with the sex they were assigned at birth, recognize gender identity in providing direct assistance with access to trans-affirming therapists and the best possible resources to help them express their truest identity, and accommodate the needs of the LGBTQIA+

community in creating safe spaces and spaces for likeminded individuals to exist in community. It is very likely that HOC may not continue these practices and activities while complying with the funding condition not to “promot[e] gender ideology.”

17. HOC is concerned about the HUD conditions that prohibit using grant funds to “promote” “elective abortion.” While HOC does not specifically advocate for abortion care, we do not know what the government may consider to “promote” abortion. Reproductive health access, including emergency contraception and abortion, is part of our organization’s framework, and we offer clients information about any healthcare services that they need. When pregnant residents request assistance accessing abortion care, we provide them with resources on how to seek that care.

18. HOC is concerned about the HUD condition providing that use of grant funds and operation of projects assisted with grant funds are governed by “[a]ll current Executive Orders.” We do not know what this condition’s broad and vague language means for our organization or how to comply with it, given the many new executive orders that it implicates.

19. The new funding conditions present my organization and its members with an impossible choice. My organization could forgo accepting HUD grant awards and face the direct consequences to HOC’s financial health and ongoing operations and to those residents in the TH and RRH programs who receive direct services. Or my organization could accept the funding with the conditions and jeopardize its mission and compliance with statutory or regulatory requirements, and face enormous risks of litigation and government investigations under the False Claims Act.

20. HOC fears that if it agrees to the new funding conditions, it could face not only the loss of grant funds, but federal government investigation, private party litigation under the False

Claims Act, and potential liability for not complying. These potential consequences of seeking a grant subject to the new, vague conditions make my organization concerned about applying or accepting an award. To mitigate these risks, HOC would have to change its practices, in many cases contrary to its core values.

V. These Funding Conditions Threaten to Harm LGBTQIA+ Youth Experiencing Homelessness

21. These funding conditions would have devastating effects on the community of LGBTQIA+ youth among other individuals between the ages of 18 and 24 experiencing homelessness who receive housing services from HOC. HOC was the first emergency shelter for LGBTQIA+ youth in our state, and is currently one of only a very few organizations offering services to this historically underserved and marginalized population. By agreeing to these conditions, we would be specifically threatening the housing status of all of our current and future TH and RRH residents.

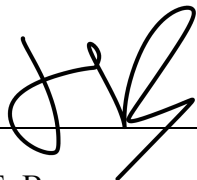
22. If HOC were to change or abandon any of its wraparound services, such as providing access to healthcare services for transitioning youth, abandon its acceptance and support of gender non-conforming community members, or otherwise distance itself from “gender ideology” in order to comply with these conditions, the consequences to the entire organization would be devastating. Not only would this be completely contrary to HOC’s mission and purpose, but it would effectively retraumatize individuals who have already been subjected to the ostracization and shame of being different.

23. Conversely, if HOC turned down the funds because of the conditions, the reduction or outright termination of these services would have devastating effects on the community of LGBTQIA+ youth experiencing homelessness.

24. HOC's operations are essential to create a community for LGBTQIA+ youth centered around art, creativity, safety, and inclusivity, which is critical for the emotional and physical wellbeing of members of this community who often feel ostracized and shamed for simply being who they are, and are at a greater risk of suicide and self-harm than any other group. In the absence of fully funded services, these individuals would have nowhere to turn to find the support and care that they desperately need to become full, active and confident participants in our society.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September _12_, 2025.



Julio E. Berroa



Gem Marley <gem@hausofcodec.org>

Reminder of annual Ft. Worth closure approaching re: FY24 CoC and YHDP Grant Agreements

Murphy, Brooke A <Brooke.Murphy@hud.gov>

Fri, Sep 5, 2025 at 3:51 PM

To: Gem Marley <gem@hausofcodec.org>, Julio E Berroa <julio@hausofcodec.org>

Hi all,

You are receiving this email if you have an FY24 CoC or YHDP grant agreement that has not been executed and returned to HUD. This email is just a reminder that Ft. Worth closes for a period of time starting in late September and typically remains closed through October. This means that if you return a grant agreement after Ft. Worth is closed in late September, we'll have to wait until Ft. Worth reopens for funds to be contracted for the grant. While renewal grants can begin to incur costs on the start date of the period of performance, funds cannot be draw from eloccs until a grant agreement is executed , sent to Ft. Worth, and funds are contracted. While Ft. Worth is closed, funds cannot be contracted in eloccs.

Just a reminder about the Ft. Worth closure, which normal operations and happens every year.

Thank you!

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SUPPLEMENTAL DECLARATION OF KIRSTEN FAISAL

I, Kirsten Faisal, declare as follows:

I. Background

1. I am the Director of Training and Technical Assistance at the Iowa Coalition Against Domestic Violence (Iowa Coalition). Through a network of 23 statewide victim service programs, the Iowa Coalition provides comprehensive services to survivors of violent crimes, by taking a survivor-centered approach to victim services and supporting programs providing services to underserved populations, and providing member organizations with training, technical assistance, and other resources. The Iowa Coalition also serves as a direct service provider offering a legal program, financial literacy, educational scholarships, and emergency client assistance.

2. My organization was founded in 1985 and is headquartered in Des Moines, IA. The Iowa Coalition’s mission is “to engage all people in a movement to change the social and

political systems that perpetuate violence. We do this through education, advocacy, and quality services.” Its purpose includes addressing “the oppressive conditions and systems that perpetuate violence” and advancing “the needs of all people by shaping public policy, increasing civic engagement, and strengthening relationships to change the social and political systems that perpetuate violence.” The Iowa Coalition refers to our “plumbline” when referencing moving toward our purpose horizon. Our plumbline allows us to measure our course in service to our purpose. It allows for course correction and gathered momentum while staying centered and on course for the long arc of social/racial justice work toward a world that works for everyone, to the last girl.

3. The Iowa Coalition has a forty-year history of advancing best practices and engaging systems that respond to domestic violence, providing training and technical assistance, and lifting survivors' voices.

4. The Iowa Coalition first created statewide standards of service in the early 1990s. They have gone through several iterations since then, with the biggest overhaul taking place in 2012. They were recently updated with minor revisions and ratified by the Iowa Coalition’s member organizations in 2024. The standards of service are detailed and informative. It includes, for example evidence based best practices on emergency and long-term housing, non-judgmental victim-centered interventions and supports, and non-discriminatory and voluntary accessible services that meet the distinct needs of all people. They require that services to victims cannot be restricted based on: race, ethnicity, religion, gender, age, sexual orientation, substance use or abuse outside of shelter, disabilities, income, country of origin, immigration status, or English proficiency.

5. The Iowa Coalition plays a central and official role in Iowa's comprehensive response to domestic abuse. Under Iowa Law, courtroom victim counselors must be affiliated with either the Iowa Coalition or the state's sexual assault coalition. Similarly, victim counselors must receive at least twenty hours of training by the Iowa Coalition or one of two other organizations.

6. The Victims Assistance Section of the Iowa Attorney General's Office requires that all domestic abuse advocates who work in domestic violence shelters be certified by the Iowa Coalition and that all programs operate according to the standards of service developed by the Iowa Coalition in order to be eligible for funding.

7. The Iowa Coalition provides member organizations and the public with a variety of other resources to advance quality and necessary services to victims of domestic abuse. These include best practice documents to aid in: supporting immigrant victims of crime; providing affirming and safe services to LGBTQ+ identifying individuals; making decisions around child abuse reporting; and addressing confidentiality when law enforcement comes to a shelter. They also include direct resources for victims of crimes, including financial literacy classes, support groups for non-English speaking victims, outreach and engagement in rural communities, and housing and economic empowerment resources.

8. In fiscal year 2024, the Iowa Coalition responded to 1,075 technical assistance requests, providing critical support to advocates, organizations, and leaders serving victims across Iowa. The same year, the Iowa Coalition organized and completed 708 training, equipping 1,184 advocates and community members with tools to address domestic violence and foster prevention efforts. The Iowa Coalition held twenty-four community engagement events, including an annual Dia de los Muertos Tribute for Domestic Violence Awareness Month and

Advocacy Day, raising awareness of the root causes of violence and amplifying the voices of survivors of violence and the crime victim service providers that assist them. Fifty-two students were awarded scholarships through the Iowa Coalition's Alice Barton Scholarship Program, empowering survivors to pursue education and economic independence.

9. My organization receives grants from the Department of Health and Human Services (HHS). My organization has an annual budget of roughly \$1.3 million. Of that total amount, roughly \$490,670 comes from HHS grants, including subcontracts.

II. My Organization's Member Organizations

10. The Iowa Coalition Against Domestic Violence is a membership organization with 23 member agencies. To be a member, an organization must have, as its primary focus, crisis response services to crime victims and their families through crisis intervention, accompaniment during medical and legal proceedings, and follow-up counseling. Members must also provide only voluntary-based services, ensure confidentiality in services, and comply with our standards of service, our code of ethics, federal funding certified assurances of the Family Violence Prevention and Services Act, the Victims of Crime Act, and the Violence Against Women Act. Members pay a portion of their domestic violence services budget in dues.

11. The Iowa Coalition's membership includes a member, SafePlace, which provides services to victims of domestic abuse, sexual assault, stalking, human trafficking, homicide and other violent crimes in metro area and ten rural counties. SafePlace uses the funding for supportive services to survivors at risk or already homeless, provide intervention services to ensure housing stability, house victims of domestic and sexual violence in transitional housing and permanent housing models in rural and metro areas.

12. Members of my organization receive grants from HUD.

III. HUD's New Funding Conditions

13. HUD has begun applying new funding conditions on HUD grants that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.

14. The NOAs for the HUD CoC grants provide that the recipient's "use of funds provided under" the agreement and its "operation of projects assisted with" grant funds "are governed by ... [a]ll current Executive Orders." The NOAs also include requirements that the recipient: (1) "shall not use grant funds to promote "gender ideology," as defined in E.O. 14168, Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government;" (2) "agrees that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the U.S. Government's payment decisions for purposes of [The False Claims Act];" (3) "certifies that it does not operate any programs that violate any applicable Federal antidiscrimination laws, including Title VI of the Civil Rights Act of 1964;" and (4) "shall not use any Grant Funds to fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment."

IV. My Organization's Members' HUD Grants

15. My organization's members have received HUD grants, including grants under the CoC Grant Program and Emergency Solutions Grant Program. These funds are received directly from HUD. Awards are signed directly with HUD.

16. On January 29, 2025, HUD awarded SafePlace a total of \$115,775 through the CoC Grant in FY2025. The grant has a period of performance of January 1, 2025, through December 31, 2025, and a budget period of January 1, 2025, through December 31, 2025. SafePlace accepted this award on January 31, 2025. The NOFO and NOA did not include the

new HUD funding conditions described above, but SafePlace expects that the next award will include those conditions. SafePlace has already been funded for a domestic violence expansion project to begin January 1, 2026, and will increase the current project by \$298,382.

17. SafePlace received its notice of award and grant agreement for FY2026 on September 3, 2025. The award provides \$414,157 in funds with a period of performance of January 1, 2026, through December 31, 2026, and a budget period of January 1, 2026, through December 31, 2026. The grant agreement has the new HUD funding conditions described above. HUD instructed SafePlace to “[p]lease execute the grant agreement in accordance with the instructions provided by 9/18/2025.”

18. Declining this funding would have a catastrophic detrimental impact on my organization’s members. Without HUD funding, SafePlace would be forced to make devastating cuts to housing advocacy and support services. SafePlace would face the loss of trained staff who provide direct care to victims/survivors, including safety planning, emergency shelter access, housing navigation, and legal advocacy. Survivors fleeing violence would be left without critical housing support, increasing their risk of homelessness or returning to unsafe environments. The ripple effect would harm not only individual survivors, but also the broader community—including local law enforcement, healthcare providers, and child welfare systems—as the need for emergency response and crisis intervention surges. This funding is essential to keeping survivors safe and ensuring our communities continue to have a coordinated, trauma-informed response to domestic violence.

19. SafePlace has received HUD funding since 2016. They plan on applying for the Iowa Balance of State CoC to provide CoC Rapid Rehousing in other counties.

V. HHS's New Funding Conditions

20. The April 2025 HHS Grants Policy Statement (GPS) imposed the following new conditions on grantees: (1) it required that all grant recipients “must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of [the False Claims Act];” and (2) it provided that by accepting the grant award, recipients certify that: (i) “they do not, and will not during the term of this financial assistance award, operate any programs that advance or promote DEI, DEIA, or discriminatory equity ideology in violation of Federal anti-discrimination laws”; and (ii) “they do not engage in, and will not during the term of this award engage in, a discriminatory prohibited boycott.” HHS states that it “reserves the right to terminate financial assistance awards and claw back all funds if the recipients, during the term of this award, operate any program in violation of Federal anti-discrimination laws or engages in prohibited boycott.” *Id.* at 19. The HHS GPS applies to nondiscretionary “awards and award modifications that add funding made on or after April 16, 2025,” including “supplements to award, competing and non-competing continuations,” (other than awards from NIH), and it applies to all HHS recipients and subrecipients other than individuals.

In July 2025, HHS changed the GPS to replace this language with the following language: “By applying for or accepting federal funds from HHS, recipients certify compliance with all federal antidiscrimination laws and these requirements and that complying with those laws is a material condition of receiving federal funding streams.” The July HHS GPS states that it applies to nondiscretionary “awards and award modifications that add funding made on or after April 16, 2025,” including “supplements to award, competing and non-competing continuations,” (other

than awards from NIH), and it applies to all HHS recipients and subrecipients other than individuals.

21. In addition to the GPS conditions, HHS's Administration for Children and Families (ACF) is now imposing new funding conditions on ACF nondiscretionary and discretionary grants, including the Family Violence Prevention and Services Act ("FVPSA Grant"), that differ significantly from the conditions imposed on the use of federal funds under the same grant awards for prior years.

22. The new ACF Standard Terms and Conditions document provides that a "Civil Rights Assurance" applies to new awards made on or after May 8, 2025, which requires that recipients "must comply with all applicable Federal anti-discrimination laws material to the government's payment decisions for purposes of [the False Claims Act];" and provides that, "[b]y accepting the grant award, recipients are certifying that: (i) They do not, and will not during the term of this financial assistance award, operate any programs that advance or promote the following in violation of Federal anti-discrimination laws: DEI, DEIA, or discriminatory equity ideology."

23. In addition, the ACF Standard Terms and Conditions document provides that, for new awards made on or after March 28, 2025, recipients whose programs are covered by Title IX certify to the following: (1) that the recipient "is compliant with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., including Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and Recipient will remain compliant for the duration of the Agreement; (2) that those "requirements are conditions of payment that go to the essence of the Agreement and are therefore material terms of the Agreement"; (3) that "[p]ayments under the Agreement are predicated on compliance with the above requirements,

and therefore Recipient is not eligible for funding under the Agreement or to retain any funding under the Agreement absent compliance with the above requirements”; (4) that the “[r]ecipient acknowledges that this certification reflects a change in the government’s position regarding the materiality of the foregoing requirements and therefore any prior payment of similar claims does not reflect the materiality of the foregoing requirements to this Agreement”; and (5) that “[r]ecipient acknowledges that a knowing false statement relating to Recipient’s compliance with the above requirements and/or eligibility for the Agreement may subject Recipient to liability under the False Claims Act, 31 U.S.C. § 3729, and/or criminal liability, including under 18 U.S.C. §§ 287 and 1001.”

24. The Center for Disease Control and Prevention (“CDC”) has updated their policies to impose new conditions on certain new awards and award modifications by incorporating the HHS GPS.

V. My Organization’s and its Members’ HHS Grants

25. My organization has applied for and received a grant from HHS’s Administration for Children and Families (ACF) for the Family Violence Prevention and Services Act (“FVPSA Coalition Grant”) for the past 39 years.

26. My organization has used FVPSA Coalition Grant funds for many purposes. For instance, these funds support training for mediators in family law cases that involve domestic abuse; victim counselor training for new advocates around the state; advance training and technical assistance on topics such as serving immigrant victims of crime, engaging men, best practice for serving LGBTQ+ survivors; technical assistance on HUD regulations, best practice and protocols for homeless and housing services; expert witness consultation and testimony in

domestic abuse prosecutions; and crisis counseling, information, referrals, and support for victims of violent crime.

27. On July 8 and 9 2025, HHS awarded my organization a total of \$382,407 through the FVPSA Coalition Grant for FY 2026 and a supplemental award, respectively. The grant has a period of performance of October 1, 2024, through September 30, 2026, and a budget period of October 1, 2025, through September 30, 2026. The NOFO did not include the new funding conditions, but the NOA indicates that the HHS GPS and ACF Standard Terms and Conditions, which contain the new funding conditions described above, apply to the award. My organization needs to accept this award by drawing down funds by October 1, 2025.

28. On August 1, 2024, HHS awarded my organization a total of \$350,670 through the FVPSA Coalition Grant in FY 2025. The grant has a period of performance and a budget period of October 1, 2023 through September 30, 2025. My organization accepted this award on October 1, 2024. The NOFO and NOA did not include the new HHS funding conditions described above, but I expect that the next award will be subject to the HHS GPS and ACF Standard Terms and Conditions. The Iowa Coalition receives yearly continuation for the FVPSA Coalition Grant and we received notice of the new award for next budget and project period on July 8 and 9, 2025.

29. Declining this funding would have a catastrophic detrimental impact on my organization. Without the funding for this grant, up to 5 FTE positions, which is equivalent to half the current staff, would be laid off. The Iowa Coalition is an essential part of the structure of victim services in Iowa. The Iowa Coalition provides consistency in services through training and maintenance and enforcement of standards of services. The Iowa Coalition strengthens the infrastructure of victim services by providing evidence-based training and specialized support to

each member program and direct service provider to meet their technical needs. Without this funding, domestic violence service providers will no longer have a unified voice at the state and federal level to ensure policies and protocols are victim centered; this funding helps us monitor, advocate, and shape policies and proposals that affects survivors safety, housing, law enforcement response, and economic justice and it helps us push back on harmful policies and advance systemic solutions to end violence. Victims will be impacted too, particularly those from underserved communities, as they would experience greater barriers to receiving vital services due to lack of trauma-informed care training among service providers, especially for unhoused/homeless individuals. Further, the legal system would be less victim-friendly with victims entering into mediation and other processes without specialized knowledge of domestic violence. Without the Iowa Coalition's services, systems will become more fragmented, and survivors are left navigating unsafe, and inequitable conditions. Our work is a strategic investment in public-safety, survivor well-being, and a more just response to domestic violence victims across all sectors.

30. All of my organization's members receive HHS grants, including Family Violence Prevention and Services Act Grants (FVPSA). These grants are passed through the Iowa Attorney General's Office, Victim Assistance Section (VAS) through a competitive process. For example, on October 8, 2024, VAS awarded Iowa Coalition member SafePlace a total of \$140,800 from FVPSA monies awarded to the state on FY 2025. The grant has a period of performance of and budget period of October 1, 2024 through September 30, 2025. SafePlace accepted this award on October 8, 2024. It is expected that all of our members, including SafePlace, as the region's dedicated victim services shelter will receive FVPSA funding for FY 2026 as well. SafePlace, like other members, submits a competitive application annually and

awards are typically granted in October of every year to match the federal fiscal year. When SafePlace receives this new FVPSA award, the HHS GPS will apply to that.

31. Declining this funding would have a catastrophic detrimental impact on my organization's members. Without the funding, SafePlace would be forced to make devastating cuts to shelter operations, and other victim support services. HHS' FVPSA was designed to fund confidential domestic violence shelters and SafePlace serves 19-counties in Iowa who rely on its emergency housing services to keep survivors and their dependents safe. SafePlace would face the loss of trained trauma-informed staff with years of experience and who provide direct care to survivors, including safety planning, emergency shelter access, housing navigation, medical and legal advocacy. Survivors fleeing violence would be left without critical housing support, increasing their risk of homelessness or returning to unsafe environments. The ripple effect would extend beyond individual survivors—straining entire communities in rural and metro areas including local law enforcement, healthcare systems, and child welfare services—as demand for emergency response and crisis intervention intensifies. This funding is essential to keeping survivors safe and ensuring our communities continue to have a coordinated, trauma-informed response to domestic violence.

VI. HUD's and HHS's New Funding Conditions Place My Organization and its Members in an Untenable Position

32. Agreeing to the new conditions would cause significant harm to my organization. The conditions are vague and appear to conflict with our core mission and long-standing activities—many of which have been carried out in good faith under prior HUD and HHS grants. These new terms would require us to abandon work that was previously supported and encouraged. Thus, my organization does not know how it may comply with the new funding

conditions and contradicting terms, while also staying true to its mission and providing essential support for member organizations, advocates, and vulnerable victims and survivors of domestic and sexual violence. It is an untenable position.

33. My organization is concerned about conditions requiring that we certify that we do not operate any programs that violate any applicable Federal antidiscrimination laws while compliance with those antidiscrimination laws may be material for False Claims Act purposes under these new conditions. While we have always complied with federal antidiscrimination laws, the DEI Executive Order and statements from the DOJ indicate that the government intends to enforce a legally unsupported, new interpretation of federal antidiscrimination law as prohibiting all aspects of programs focused on DEI and DEIA. My organization's mission is focused on serving victims down to the last person with the most barriers. This necessitates a focus on underserved communities and specialized strategies and tools to provide trauma-informed services. For example, from our direct services standards for member programs: *"Programs shall not inquire about immigration status as part of initial screening to determine eligibility for services. [...] On request, programs link women with immigration concerns to an attorney specializing in immigration. [...] Programs shall inform immigrant clients of their right to self-petition for immigration status under the Violence Against Women Act, or as crime victims under U-visa provisions, or as victims of trafficking under T-visa provisions. [...] Advocates will assist battered immigrant women with documenting and substantiating their claims of abuse as part of their petition for immigration status."* Also *"Programs shall be sensitive to any additional privacy or safety needs of transgender clients and make accommodations as necessary to ensure they receive services. Accommodations needed are not a factor in determining eligibility for services. Staff maintains confidentiality about*

transgender status in the same way they would respect the privacy of other clients' medical information. Transgender clients needing assistance with maintaining hormonal treatment are connected to appropriate medical resources.” It is unclear whether my organization's mission and guiding principles violate the certification, and whether my organization could comply with the administration's interpretation of federal antidiscrimination law without adopting a view antithetical to its true beliefs.

34. My organization is also unsure whether it can continue to operate programs that target underserved or marginalized communities, including providing Victim Know Your Rights information and materials to the community, and training and technical assistance on immigrant populations to our member programs that serve them. Furthermore, addiction can often qualify as a disability under the Americans With Disabilities Act. One of the most common technical assistance requests the Iowa Coalition receives involves helping clients who are struggling with substance use and mental health issues, particularly anxiety disorders, depression, and post-traumatic stress disorder. Now, it is unclear whether these programs would fall within the administration's interpretation of federal antidiscrimination law as prohibiting DEI and DEIA programs.

35. For the same reasons, my organization is concerned that it cannot comply with conditions that prohibit the operation of any programs that “advance or promote DEI, DEIA, or discriminatory equity ideology.” For example, the Iowa Coalition's direct services standards for member programs includes: “*Domestic abuse programs shall strive to connect with and serve previously underserved women. This includes engaging women from these communities as volunteers, paid staff, board members, and resource providers.*” Another standard regarding disability access states: “*Advocates shall be knowledgeable about their clients' rights to sign*

language interpreters, and other accommodations, and will advocate for these rights within medical, legal, educational, social service, and other systems.”

36. Domestic violence programs and shelters have long built their services around accessibility mandates—ensuring inclusive support for LGBTQ+ individuals, immigrants, and survivors with disabilities. Yet, under the new DEI and DEIA restrictions, these life-saving accommodations are now being called into question, despite the fact that survivors with disabilities experience domestic and sexual violence and disproportionately high rates.

37. Iowa Coalition member organization SafePlace is also concerned about the HUD condition that prohibits using grant funds to “promote” gender ideology. In providing direct client services and technical assistance, SafePlace staff use clients’ preferred pronouns to demonstrate support for people who do not identify with the sex they were assigned at birth, recognize gender identity in providing direct assistance, and accommodate the needs of the LGBTQ+ community by referring survivors to LGBTQ+ services, discussing LGBTQ+ relationships in victim counselor training; and assisting local service providers to develop protocol and practices that are victim-centered, which includes being an organization that affirms and validates the victim/survivor as a whole regardless of their gender identity or sexual orientation. It is unclear whether SafePlace may continue these practices and activities while complying with the funding condition not to “promot[e] gender ideology.”

38. The Iowa Coalition’s member organizations are concerned about the HUD conditions that prohibit using grant funds to “promote” “elective abortion.” Neither the Iowa Coalition nor its member programs provide abortion care, however assisting clients to meet their healthcare needs is a common type of advocacy, this includes the full range of reproductive

healthcare. When survivors request abortion care, SafePlace connects them with trusted resources and support them in navigating access to that care.

39. Members including SafePlace are concerned about the HUD condition providing that use of grant funds and operation of projects assisted with grant funds are governed by “[a]ll current Executive Orders.” There have been an unprecedented number of Executive Orders so far during this administration and SafePlace does not know what this condition’s broad and vague language means for compliance. Many of these orders would not seem to be relevant to victim services but considering the lack of interpretation available, they do not know what they are being asked to comply with.

40. The new funding conditions present my organization and its members with an impossible choice. My organization and its members could forgo accepting HUD and HHS grant awards and face dire financial consequences and dramatically reduce programming and services, impacting crime victims/survivors directly. The other option is that my organization could accept the funding with the conditions and jeopardize its mission and compliance with statutory or regulatory requirements, and face enormous risks of litigation and government investigations under the False Claims Act.

41. Additionally, my organization’s members would have to fundamentally change their programming or accept new grants and risk running afoul of various funding conditions imposed on those grants. For example, when working with victims of domestic violence, SafePlace advocates may gather information about housing accommodation needs, the need for specific legal services, including immigration legal services, to facilitate proper care and access to available resources. When carrying out programs under the FVPSA Grant, SafePlace ensures that any accessibility, legal or medical needs are identified and addressed, including the use of

preferred pronouns to ensure that care is respectful, compassionate, and appropriate. Under this new grant terms and conditions, SafePlace would have to fundamentally alter this programming in a way that undermines its ability to serve certain underserved populations and runs contrary to the organization's values.

42. My organization fears that if it agrees to the new funding conditions, it could face not only the loss of grant funds, but federal government investigation, private party litigation under the False Claims Act, and potential liability for not complying. These potential consequences of seeking a grant subject to the new, vague conditions make my organization concerned about applying or accepting an award. To mitigate these risks, my organization would have to change its practices, in many cases contrary to its core values and FVPSA statute.

VII. These Funding Conditions Threaten to Harm Domestic Violence and Sexual Assault Victims and Survivors

43. These funding conditions threaten harm to victims of domestic abuse who face the greatest barriers to achieving safety and stability. Batterers weaponize social vulnerabilities such as immigration status, LGBTQ+ identity, race, and disabilities to prevent their partners from leaving; for example: a U.S. citizen might dangle promises of completing immigration paperwork over an immigrant partners head to establish compliance; or a person might be threatened with being outed at work as transgender and then face possible termination in a state like Iowa with no workplace protections for transgender individuals. Without the ability for advocates to have honest open discussions about the full range of vulnerabilities victims face, including risk factors that impact them differently based on their race, gender, or LGBTQ+ status, safety plans have major gaps that can even prove fatal. All victims deserve the respect and dignity of receiving personalized advocacy that meets their needs.

44. Conversely, if my organization or its members turned down the funds because of the conditions, The reduction or outright termination of these services would have devastating effects on the community of survivors and victims of domestic and sexual violence.

45. My organization's operations are essential to creating and supporting comprehensive services for domestic abuse survivors. Through training, standards, technical assistance, and day to day assistance, the Iowa Coalition supports a trauma-informed culture of respect and personal service provision among our member programs. We link survivors and their loved ones who contact us to appropriate services including culturally-specific programming. And we give guidance to housing and homeless assistance, medical and legal system, and other allied professionals whose work intersects with the lives of victims of domestic violence. In the absence of fully funded services, the connection between national level best protocols and emerging practices to the direct services field would be broken, crisis responders would have nowhere to turn for assistance and support when they find themselves at a loss with a particular situation, and the safety of individuals trapped in those domestic violence situations would be directly impacted.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 10, 2025.

/s/Kirsten Faisal

Kirsten Faisal