

To: Democracy 2025 Partners
From: Democracy Forward
Re: What Grantees Should Know About Grant Conditions and the Current Federal Funding Landscape—for Select Victims’ Services and Community Planning and Development Grantees
Date: May 19, 2026

This memorandum is part of a series of resources designed to help the pro-democracy community, including the grantee community, understand the current legal landscape affecting federal funding. The Trump-Vance administration has used attacks on federal funding as a key tool in advancing its authoritarian agenda, including targeting civil rights and our multiracial democracy, and rights for people of all genders. This series will include memoranda that: (1) explain and document in one place the conditions that have been placed on grants and the litigation challenging those conditions; (2) document and explain the terminations of grants that have occurred and the litigation challenging those actions; and (3) document and explain the withholdings of grant funds that have occurred and the litigation challenging these withholdings.

This memorandum addresses conditions that have been placed on select grants, and the litigation challenging those conditions, for the U.S. Department of Housing and Urban Development (HUD), the U.S. Department of Justice (DOJ), and the U.S. Department of Health and Human Services (HHS) that specifically support services to survivors of crime, and enhance community planning, development, and health and human services. It is the first of two memoranda that address litigation challenges to unlawful grant conditions.

This memorandum is for informational and educational purposes only. It is not intended to be legal advice or a substitute for legal advice for any specific organization or about a particular set of facts, and should not be relied upon as such.

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U.S. Department of Housing and Urban Development (HUD)

In this chapter, users will find: (A) relevant agency policies, guidance memos, and other grants-related guidance issued by the government; and (B) an overview of challenged HUD award conditions, certifications, and/or Notice of Funding Opportunities (NOFOs).

A. Agency Policies, Guidance Memos, & Other Grants-Related Guidance

- [April 4, 2025 HUD Letter](#)
- [“Sanctuary Jurisdiction Directives,” Bondi Memo, February 5, 2025](#)
- [General Administrative, National, and Department Policy Requirements and Terms for HUD’s Financial Assistance Programs](#)
- [HUD Applicant and Recipient Assurances and Certifications](#)

B. Challenged Award Conditions, Certifications, and/or NOFOs

The below section provides an overview of: (i) challenged award conditions by topic; and (ii) the status of select HUD Notices of Funding Opportunities (NOFOs).

i. Challenged Award Conditions by Topic:

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court, which is often called being “[enjoined](#)” or “stayed.” For HUD, the challenged award conditions as of April 2026, include the following, organized by topic:

- [Abortion](#)
- [Coercing Compliance with Executive Orders](#)
- [Diversity, Equity, and Inclusion](#)
- [Gender Ideology](#)
- [Immigration](#)

Users may search among the information below by award the condition/certification topic to see:

- The language of the specific award condition; and
- Information that will help users determine if HUD is permitted to impose the condition/certification on grantees versus if that condition/certification has been paused by a court.

Disclaimer: This memo has been updated as of April 30, 2026 to reflect the most current information about cases. The information below is subject to change. Please consult with counsel to determine the status of cases discussed below and the applicability of challenged Notice of Funding Opportunity (NOFO) and award conditions. This memorandum is for informational and educational purposes only. It is not intended to be legal advice or a substitute for legal advice for any specific organization or about a particular set of facts, and should not be relied upon as such.

Abortion

Background

Federal funds subject to the 1976 Hyde Amendment or similar provisions may not be used for abortions. Additionally, HUD has attempted to prohibit the use of HUD federal funding to “promote elective abortion,” per the award condition linked to below.

1. What is the award condition?

“[T]he recipient [shall] “not use any Grant Funds to fund or promote elective abortions, as required by E.O. 14182, Enforcing the Hyde Amendment.””¹

What is the status of challenges to this award condition?

HUD is enjoined from imposing the abortion-related condition on any HUD Continuum of Care (CoC) grants and any other programs administered by the HUD Office of Community Planning and Development. In addition, the District of Rhode Island preliminarily set aside the [HUD’s policy](#) of imposing the abortion condition on any CoC grants and any other grants administered by the HUD Office of Community Planning and Development,² which includes [Community Development Block Grant \(CDBG\); Emergency Solutions Grants \(ESG\); the Home Investment Partnerships \(HOME\) program; and Housing Opportunities for Persons with AIDS \(HOPWA\) grant programs](#).³

Additionally, the U.S. District Court for the Western District of Washington enjoined HUD⁴—and effectively their subgrantees—from imposing this condition on the following individual plaintiff local governments and other organization:

¹ [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 31-32 ([Docket #34](#)) at 26-27; [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).; [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs’ First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 12. Appeal pending - [County of King, et al. v. Turner, et. al](#), No. 25-3664 (9th Cir. 2025); [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 4-5.

² [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)); [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

³ [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 31-32; [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

⁴ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs’ First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 12; [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 44-45; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 12. Appeal pending - [County of King, et al. v. Turner, et. al](#), No. 25-3664 (9th Cir. 2025)

- a. **HUD CoC programs:** HUD is enjoined from imposing this CoC condition on recipients and subrecipients of CoC grants. The District of Rhode Island has also preliminarily stayed HUD's policy of imposing that condition.⁵ Orders in two other cases also bar HUD from imposing the condition on individual plaintiff local organizations,⁶ which are listed below:

Alameda County, Albuquerque, Allegheny County, Baltimore, Cambridge, City of Berkeley, Boston, City of Cincinnati, Columbus, Dane County, Delaware County, Pennsylvania, Hennepin County, Martin Luther King, Jr. County, King County RHA, Los Angeles Homeless Services Authority, Metropolitan Government of Nashville & Davidson County, Milwaukee, Multnomah County, Nashville, NYC, Oakland, Pasadena, Petaluma, Pierce County, Pima County, Ramsey County, San Jose, San Mateo County, San Francisco, Santa Clara, Santa Monica Housing Authority, Snohomish County, Sonoma County, City of Spokane, Tucson.⁷

- b. **All HUD programs:** Additionally, HUD is enjoined from imposing this General HUD condition on any recipient or subrecipient of any grant administered by HUD's Office of Community Planning and Development.⁸ Another court order also bars HUD from imposing this condition on individual plaintiff local organizations:⁹

Alameda County, City of Albany, County of Allegheny, City of Albuquerque, City of Baltimore, City of Bellevue, City of Bellingham, City of Bend, City of Berkeley, City of Boston, City of Bremerton, City of Cambridge, City of Chicago, City of Cincinnati, City of Columbus, City of Culver, Culver City Housing Authority, Dane County, City of Eugene, Delaware County, PA, City of Healdsburg, Hennepin County, King County, King County RHA, Kitsap County, City of Los Angeles, Los Angeles Homeless Services Authority, City of Milwaukee, Milwaukee County, City of Minneapolis, Multnomah County, City of Nashville, City of New Haven, City of New York, City of Oakland, City of Olympia, City of Pacifica, City of Pasadena, City of Palo Alto, City of Pasadena, City of Petaluma, Pierce County, Pima County, Pittsburgh, City of Port Angeles, Portland, Ramsey County, Rochester, City of Rohnert Park, San Diego, City of San Francisco, County of San Francisco; San Jose, San Mateo County, Santa Clara, Santa Clara County Housing Authority, County of Santa Clara, City of Santa Fe, Santa Monica, City of Santa Rosa, Santa Monica HA, Santa Rosa, Sonoma County, Snohomish County, County of Sonoma, City of

⁵ [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 31-32, 34-35.

⁶ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13; *see also* [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 28. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

⁷ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 8; [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

⁸ [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 34-35.

⁹ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

Spokane, City of Takoma, Tucson, Watsonville, City of Takoma, and Sonoma County Community Development Commission.¹⁰

- c. The U.S. District Court for the Northern District of California has prohibited HUD from enforcing this condition “against Plaintiffs who currently receive or actively seek grants from Defendants.”¹¹ Plaintiffs include:

Counties: Los Angeles, CA; Marin County, CA; Monroe County, NY; Monroe County Airport Authority; Sacramento County, CA; San Diego County, CA; and Santa Barbara, CA.

Cities: Alameda, CA; Atlanta, GA; Beaverton, OR; Corvallis, OR; Eureka, CA; Fresno, CA; Hillsboro, OR; Mountain View, CA; Redwood City, CA; Salem, OR; Saint Paul, MN; San Mateo, CA; Santa Clara, CA; Santa Cruz, CA; Stockton, CA; Sunnyvale, CA; South Lake Tahoe, CA; and Vacaville, CA.¹²

Coercing Compliance with Executive Orders

Background

HUD has attempted to enforce compliance with current Executive Orders by entities outside of the executive branch by imposing an award condition on grantees.

1. What are the grant conditions?

Compliance with Executive Orders

- a. **HUD CoC programs:** The 2025 HUD CoC grant condition provides that the “recipient or applicant agrees that use of Grant Funds and its operation of projects assisted with Grant Funds are governed by all Executive Orders.”¹³

¹⁰ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

¹¹ [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)); [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) (court granted Plaintiffs’ request to include additional plaintiffs and extend the prohibition to new plaintiffs, and denied Plaintiffs’ request for an injunction that would have enjoined the Defendants all action related to this unlawful condition) at 19.

¹² [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) and [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) at 2-3.

¹³ [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 31-32. [Memorandum and Order re Plaintiff's Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants.); [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#)

- b. **All HUD programs:** A general HUD grant condition provides that the “recipient or applicant must comply with applicable existing and future Executive Orders, as advised by the Department, including but not limited to E.O. 14182, Enforcing the Hyde Amendment; Executive Order 13173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity; Executive Order 13168, Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government; and Executive Order 13151, Ending Radical and Wasteful Government DEI Programs and Preferencing.”¹⁴

What is the status of challenges to this award condition?

Generally: The District of Rhode Island has preliminarily “enjoined [HUD] from requiring any recipient or subrecipient of any of the grants ... (i.e. Community of Care and any grantee administered by the HUD Office of Community Planning and Development) to agree...” to this condition.¹⁵

Additionally, the U.S. District Court for the Northern District of California has also ordered that HUD is prohibited from enforcing this condition “against Plaintiffs who currently receive or actively seek grants from Defendants.”¹⁶ Plaintiffs are:

Counties: Los Angeles, CA; Marin County, CA; Monroe County, NY; Monroe County Airport Authority; Sacramento County, CA; San Diego County, CA; and Santa Barbara, CA.

Cities: Alameda, CA; Atlanta, GA; Beaverton, OR; Corvallis, OR; Eureka, CA; Fresno, CA; Hillsboro, OR; Mountain View, CA; Redwood City, CA; Salem, OR; Saint Paul, MN; San Mateo, CA; Santa Clara, CA; Santa Cruz, CA; Stockton, CA; Sunnyvale, CA; South Lake Tahoe, CA; and Vacaville, CA.¹⁷

HUD CoC programs: The District of Rhode Island has also preliminarily stayed HUD’s policy of imposing that condition on CoC grants (and grants administered by the HUD Office of Community Planning and Development).¹⁸

(Aug. 12, 2025) ([Docket #338](#)) at 44-45. Appeal pending - [County of King, et al. v. Turner, et. al](#), No. 25-3664 (9th Cir. 2025); [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 4-5.

¹⁴ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 46; *see also* [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)). Appeal pending - [County of King, et al. v. Turner, et. al](#), No. 25-3664 (9th Cir. 2025).

¹⁵ [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 34-35.

¹⁶ [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)); [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) (court granted Plaintiffs’ request to include additional plaintiffs and extend the prohibition to new plaintiffs, and denied Plaintiffs’ request for an injunction that would have enjoined the Defendants all action related to this unlawful condition) at 19.

¹⁷ [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 4, 36 and [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) at 2-3.

¹⁸ [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 30-32.

Additionally, for now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).¹⁹ HUD CoC Plaintiffs are:

Alameda County, Albuquerque, Allegheny County, Baltimore, Cambridge, City of Berkeley, Boston, City of Cincinnati, Columbus, Dane County, Delaware County, Pennsylvania, Hennepin County, Martin Luther King, Jr. County, King County RHA, Los Angeles Homeless Services Authority, Metropolitan Government of Nashville & Davidson County, Milwaukee, Multnomah County, Nashville, NYC, Oakland, Pasadena, Petaluma, Pierce County, Pima County, Ramsey County, San Jose, San Mateo County, San Francisco, Santa Clara, Santa Monica Housing Authority, Snohomish County, Sonoma County, City of Spokane, Tucson²⁰

All HUD programs administered by the HUD Office of Community Planning and Development: The District of Rhode Island has also preliminarily stayed HUD’s policy of imposing that condition on grants administered by the HUD Office of Community Planning and Development (and CoC grants).²¹

Additionally, for now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).²² The Plaintiffs are:

Alameda County, City of Albany, County of Allegheny, City of Albuquerque, City of Baltimore, City of Bellevue, City of Bellingham, City of Bend, City of Berkeley, City of Boston, City of Bremerton, City of Cambridge, City of Chicago, City of Cincinnati, City of Columbus, City of Culver, Culver City Housing Authority, Dane County, City of Eugene, Delaware County, PA, City of Healdsburg, Hennepin County, King County, King County RHA, Kitsap County, City of Los Angeles, Los Angeles Homeless Services Authority, City of Milwaukee, Milwaukee County, City of Minneapolis, Multnomah County, City of Nashville, City of New Haven, City of New York, City of Oakland, City of Olympia, City of Pacifica, City of Pasadena, City of Palo Alto, City of Pasadena, City of Petaluma, Pierce County, Pima County, Pittsburgh, City of Port Angeles, Portland, Ramsey County, Rochester, City of Rohnert Park, San Diego, City of San Francisco, County of San Francisco; San Jose, San Mateo County, Santa Clara, Santa Clara County Housing

¹⁹ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13; Appeal pending - [County of King, et al. v. Turner, et. al](#), No. 25-3664 (9th Cir. 2025) *see also* [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 28.

²⁰ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 8; [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al, No. 25-3664 \(9th Cir. 2025\)](#)

²¹ [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 30-32. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al, No. 25-3664 \(9th Cir. 2025\)](#)

²² [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13; *see also* [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 28. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al, No. 25-3664 \(9th Cir. 2025\)](#) This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al, No. 25-3664 \(9th Cir. 2025\)](#)

Authority, County of Santa Clara, City of Santa Fe, Santa Monica, City of Santa Rosa, Santa Monica HA, Santa Rosa, Sonoma County, Snohomish County, County of Sonoma, City of Spokane, City of Takoma, Tucson, Watsonville, City of Takoma, and Sonoma County Community Development Commission.²³

Diversity, Equity, and Inclusion

Background

HUD has attempted to impose new funding conditions, including so-called “DEI-related” conditions.

1. What is the challenged award condition?

Compliance with Executive Order “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”

The Recipient “agrees that its compliance in all respects with all applicable Federal antidiscrimination laws is material to the government’s payment decisions for purposes of [the False Claims Act, 31 U.S.C. § 3729(b)(4)]”²⁴

What is the status of challenges to this award condition?

Generally: The District of Rhode Island has preliminarily “enjoined [HUD] from requiring any recipient or subrecipient of any of the grants ... (i.e. Community of Care and any grantee administered by the HUD Office of Community Planning and Development) to agree...” to this condition.²⁵

Additionally, the U.S. District Court for the Northern District of California has also ordered that HUD is prohibited from enforcing this condition “against Plaintiffs who currently receive or actively seek grants from Defendants.”²⁶ Plaintiffs are:

²³ *King County v. Turner*, No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al.](#), No. 25-3664 (9th Cir. 2025)

²⁴ *Rhode Island Coalition Against Domestic Violence v. Kennedy*, No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 31-32; *King County v. Turner*, No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 44-45; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)). This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al.](#), No. 25-3664 (9th Cir. 2025) *see also* [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 45, 93.

²⁵ *Rhode Island Coalition Against Domestic Violence v. Kennedy*, No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 34-35.

²⁶ *City of Fresno v. Turner*, No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 4-5, 36; [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) (court granted Plaintiffs’ request to include

- **Counties:** Los Angeles, CA; Marin County, CA; Monroe County, NY; Monroe County Airport Authority; Sacramento County, CA; San Diego County, CA; and Santa Barbara, CA.
- **Cities:** Alameda, CA; Atlanta, GA; Beaverton, OR; Corvallis, OR; Eureka, CA; Fresno, CA; Hillsboro, OR; Mountain View, CA; Redwood City, CA; Salem, OR; Saint Paul, MN; San Mateo, CA; Santa Clara, CA, Santa Cruz, CA; Stockton, CA; Sunnyvale, CA; South Lake Tahoe, CA; and Vacaville, CA.²⁷

HUD CoC programs: The District of Rhode Island has also preliminarily stayed HUD’s policy of imposing this condition on CoC grants (and grants administered by the HUD Office of Community Planning and Development).²⁸

Additionally, for now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).²⁹ HUD CoC Plaintiffs are:

Alameda County, Albuquerque, Allegheny County, Baltimore, Cambridge, City of Berkeley, Boston, City of Cincinnati, Columbus, Dane County, Delaware County, Pennsylvania, Hennepin County, Martin Luther King, Jr. County, King County RHA, Los Angeles Homeless Services Authority, Metropolitan Government of Nashville & Davidson County, Milwaukee, Multnomah County, Nashville, NYC, Oakland, Pasadena, Petaluma, Pierce County, Pima County, Ramsey County, San Jose, San Mateo County, San Francisco, Santa Clara, Santa Monica Housing Authority, Snohomish County, Sonoma County, City of Spokane, Tucson.³⁰

All HUD programs administered by the HUD Office of Community Planning and Development:³¹

additional plaintiffs and extend the prohibition to new plaintiffs, and denied Plaintiffs’ request for an injunction that would have enjoined the Defendants all action related to this unlawful condition) at 19.

²⁷ *City of Fresno v. Turner*, No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 5, 36 and [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) at 2-3.

²⁸ *Rhode Island Coalition Against Domestic Violence v. Kennedy*, No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 30-32.

²⁹ *King County v. Turner*, No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#) This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

³⁰ *King County v. Turner*, No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiff’s First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 8; [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

³¹ U.S. Department of Housing and Urban Development, [HUD Community Planning and Development, Community Planning and Development Programs](#) (CPD programs include [Community Development Block Grant \(CDBG\); Emergency Solutions Grants \(ESG\); the Home Investment Partnerships \(HOME\) program; Housing Opportunities for Persons with AIDS \(HOPWA\) grant programs](#)).

The District of Rhode Island has also preliminarily stayed HUD’s policy of imposing that condition on grants administered by the HUD Office of Community Planning and Development (and CoC grants).³²

Additionally, for now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).³³ The Plaintiffs are:

Alameda County, City of Albany, County of Allegheny, City of Albuquerque, City of Baltimore, City of Bellevue, City of Bellingham, City of Bend, City of Berkeley, City of Boston, City of Bremerton, City of Cambridge, City of Chicago, City of Cincinnati, City of Columbus, City of Culver, Culver City Housing Authority, Dane County, City of Eugene, Delaware County, PA, City of Healdsburg, Hennepin County, King County, King County RHA, Kitsap County, City of Los Angeles, Los Angeles Homeless Services Authority, City of Milwaukee, Milwaukee County, City of Minneapolis, Multnomah County, City of Nashville, City of New Haven, City of New York, City of Oakland, City of Olympia, City of Pacifica, City of Pasadena, City of Palo Alto, City of Pasadena, City of Petaluma, Pierce County, Pima County, Pittsburgh, City of Port Angeles, Portland, Ramsey County, Rochester, City of Rohnert Park, San Diego, City of San Francisco, County of San Francisco; San Jose, San Mateo County, Santa Clara, Santa Clara County Housing Authority, County of Santa Clara, City of Santa Fe, Santa Monica, City of Santa Rosa, Santa Monica HA, Santa Rosa, Sonoma County, Snohomish County, County of Sonoma, City of Spokane, City of Takoma, Tucson, Watsonville, City of Takoma, and Sonoma County Community Development Commission.³⁴

2. What is the award certification requirement?

In the [HUD Applicant and Recipient Assurances and Certifications](#), para. 6 (exp. Feb. 28, 2027) (“HUD’s Form HUD-424-B”), HUD requires that grantees certify that they “will not use Federal funding to promote diversity, equity, and inclusion (DEI) mandates, policies, programs, or activities that violate any applicable Federal antidiscrimination laws.”

What is the status of challenges to this award condition and certification?

Generally: The District of Rhode Island has preliminarily “enjoined [HUD] from requiring any recipient or subrecipient of any of the grants ... (i.e. Community of Care and any grantee administered by the HUD Office of Community Planning and Development) to agree to, and from enforcing...” this condition and certification.³⁵

³² [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 30-32.

³³ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

³⁴ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

³⁵ [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 34-35.

Additionally, the U.S. District Court for the Northern District of California has also ordered that HUD is prohibited from enforcing this condition “against Plaintiffs who currently receive or actively seek grants from Defendants.”³⁶ Plaintiffs are:

Counties: Los Angeles, CA; Marin County, CA; Monroe County, NY; Monroe County Airport Authority; Sacramento County, CA; San Diego County, CA; and Santa Barbara, CA.

Cities: Alameda, CA; Atlanta, GA; Beaverton, OR; Corvallis, OR; Eureka, CA; Fresno, CA; Hillsboro, OR; Mountain View, CA; Redwood City, CA; Salem, OR; Saint Paul, MN; San Mateo, CA; Santa Clara, CA; Santa Cruz, CA; Stockton, CA; Sunnyvale, CA; South Lake Tahoe, CA; and Vacaville, CA.³⁷

All HUD programs administered by the HUD Office of Community Planning and Development:³⁸

The U.S. District Court for the District of Rhode Island preliminarily set aside HUD’s [policy](#) of imposing this condition on any “grants administered by the HUD Office of Community Planning and Development.”³⁹

Additionally, for now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).⁴⁰ The Plaintiffs are:

Alameda County, City of Albany, County of Allegheny, City of Albuquerque, City of Baltimore, City of Bellevue, City of Bellingham, City of Bend, City of Berkeley, City of Boston, City of Bremerton, City of Cambridge, City of Chicago, City of Cincinnati, City of Columbus, City of Culver, Culver City Housing Authority, Dane County, City of Eugene, Delaware County, PA, City of Healdsburg, Hennepin County, King County, King County RHA, Kitsap County, City of Los Angeles, Los Angeles Homeless Services Authority, City of Milwaukee, Milwaukee County, City of Minneapolis, Multnomah County, City of Nashville, City of New Haven, City of New York, City of Oakland, City of Olympia, City of Pacifica, City of Pasadena, City of Palo Alto, City of Pasadena, City of Petaluma, Pierce County, Pima County, Pittsburgh, City of Port Angeles,

³⁶ [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 4-5, 36; [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) (court granted Plaintiffs’ request to include additional plaintiffs and extend the prohibition to new plaintiffs, and denied Plaintiffs’ request for an injunction that would have enjoined the Defendants all action related to this unlawful condition) at 19.

³⁷ [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 5, 36 and [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) at 2-3.

³⁸ U.S. Department of Housing and Urban Development, [HUD Community Planning and Development, Community Planning and Development Programs](#) (CPD programs include [Community Development Block Grant \(CDBG\); Emergency Solutions Grants \(ESG\); the Home Investment Partnerships \(HOME\) program; Housing Opportunities for Persons with AIDS \(HOPWA\) grant programs](#)).

³⁹ [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 31-32.

⁴⁰ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13; *see also* [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 28. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

Portland, Ramsey County, Rochester, City of Rohnert Park, San Diego, City of San Francisco, County of San Francisco; San Jose, San Mateo County, Santa Clara, Santa Clara County Housing Authority, County of Santa Clara, City of Santa Fe, Santa Monica, City of Santa Rosa, Santa Monica HA, Santa Rosa, Sonoma County, Snohomish County, County of Sonoma, City of Spokane, City of Takoma, Tucson, Watsonville, City of Takoma, and Sonoma County Community Development Commission.⁴¹

Gender Ideology

Background

HUD has attempted to impose new funding conditions, including a so-called “gender ideology” condition. Users may wish to carefully read the below and consult with counsel to understand how this might apply in specific instances

1. What is the award condition?

The recipient shall not “use grant funds to promote ‘gender ideology,’ as defined in E.O. 13168, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*.”⁴²

What is the status of challenges to this award condition?

- **Generally:** The District of Rhode Island has preliminarily “enjoined [HUD] from requiring any recipient or subrecipient of any of the grants ... (i.e. Community of Care and any grantee administered by the HUD Office of Community Planning and Development) to agree...” to this condition.⁴³

Additionally, the U.S. District Court for the Northern District of California has also ordered that HUD is prohibited from enforcing this condition “against Plaintiffs who currently receive or actively seek grants from Defendants.”⁴⁴ Plaintiffs are:

⁴¹ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et al., No. 25-3664 \(9th Cir. 2025\)](#)

⁴² [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 30-31.

⁴³ [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 34-35.

⁴⁴ [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)); [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) (court granted Plaintiffs’ request to include additional plaintiffs and extend the prohibition to new plaintiffs, and denied Plaintiffs’ request for a preliminary injunction to stay unlawful agency action by Defendants.) at 18-19.

Counties: Los Angeles, CA; Marin County, CA; Monroe County, NY; Monroe County Airport Authority; Sacramento County, CA; San Diego County, CA; and Santa Barbara, CA.

Cities: Alameda, CA; Atlanta, GA; Beaverton, OR; Corvallis, OR; Eureka, CA; Fresno, CA; Hillsboro, OR; Mountain View, CA; Redwood City, CA; Salem, OR; Saint Paul, MN; San Mateo, CA; Santa Clara, CA; Santa Cruz, CA; Stockton, CA; Sunnyvale, CA; South Lake Tahoe, CA; and Vacaville, CA.⁴⁵

- **HUD CoC programs:** The District of Rhode Island has also preliminarily stayed HUD’s policy of imposing this condition on CoC grants (and grants administered by the HUD Office of Community Planning and Development).⁴⁶

Additionally, for now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).⁴⁷ HUD CoC Plaintiffs are:

Alameda County, Albuquerque, Allegheny County, Baltimore, Cambridge, City of Berkeley, Boston, City of Cincinnati, Columbus, Dane County, Delaware County, Pennsylvania, Hennepin County, Martin Luther King, Jr. County, King County RHA, Los Angeles Homeless Services Authority, Metropolitan Government of Nashville & Davidson County, Milwaukee, Multnomah County, Nashville, NYC, Oakland, Pasadena, Petaluma, Pierce County, Pima County, Ramsey County, San Jose, San Mateo County, San Francisco, Santa Clara, Santa Monica Housing Authority, Snohomish County, Sonoma County, City of Spokane, Tucson.⁴⁸

- **All HUD programs administered by the HUD Office of Community Planning and Development:**⁴⁹

⁴⁵ *City of Fresno v. Turner*, No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 4-5, 36 and [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) at 2-3.

⁴⁶ *Rhode Island Coalition Against Domestic Violence v. Kennedy*, No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 30-31.

⁴⁷ *King County v. Turner*, No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13, 44-45. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al., No. 25-3664 \(9th Cir. 2025\)](#)

⁴⁸ *King County v. Turner*, No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 8; [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al., No. 25-3664 \(9th Cir. 2025\)](#)

⁴⁹ U.S. Department of Housing and Urban Development, [HUD Community Planning and Development, Community Planning and Development Programs](#) (CPD programs include [Community Development Block Grant \(CDBG\); Emergency Solutions Grants \(ESG\); the Home Investment Partnerships \(HOME\) program; Housing Opportunities for Persons with AIDS \(HOPWA\) grant programs](#)).

The District of Rhode Island has also preliminarily stayed HUD’s policy of imposing that condition on grants administered by the HUD Office of Community Planning and Development (and CoC grants).⁵⁰

Additionally, for now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).⁵¹ The Plaintiffs are:

Alameda County, City of Albany, County of Allegheny, City of Albuquerque, City of Baltimore, City of Bellevue, City of Bellingham, City of Bend, City of Berkeley, City of Boston, City of Bremerton, City of Cambridge, City of Chicago, City of Cincinnati, City of Columbus, City of Culver, Culver City Housing Authority, Dane County, City of Eugene, Delaware County, PA, City of Healdsburg, Hennepin County, King County, King County RHA, Kitsap County, City of Los Angeles, Los Angeles Homeless Services Authority, City of Milwaukee, Milwaukee County, City of Minneapolis, Multnomah County, City of Nashville, City of New Haven, City of New York, City of Oakland, City of Olympia, City of Pacifica, City of Pasadena, City of Palo Alto, City of Pasadena, City of Petaluma, Pierce County, Pima County, Pittsburgh, City of Port Angeles, Portland, Ramsey County, Rochester, City of Rohnert Park, San Diego, City of San Francisco, County of San Francisco; San Jose, San Mateo County, Santa Clara, Santa Clara County Housing Authority, County of Santa Clara, City of Santa Fe, Santa Monica, City of Santa Rosa, Santa Monica HA, Santa Rosa, Sonoma County, Snohomish County, County of Sonoma, City of Spokane, City of Takoma, Tucson, Watsonville, City of Takoma, and Sonoma County Community Development Commission.⁵²

Immigration

Background

HUD has attempted to restrict certain services from being provided to non-U.S. citizens through imposing award conditions on grantees and subgrantees.

1. What are the relevant Executive Orders and DOJ policies regarding “Anti-Sanctuary Jurisdiction” efforts that impact HUD grants, and what is the status of challenges to these EOs and policies?

As the U.S. District Court for the Northern District of California noted: “Shortly after taking office in 2025, President Trump issued Executive Orders 14,149 (‘Protecting the American People Against Invasion’) (‘EO 14,149’) and 14,218 (‘Ending Taxpayer Subsidization of Open Borders’) (‘EO14,218’) . . . EO 14,159 directs the United States Attorney General and the . . . Department of Homeland Security (‘DHS’) Secretary to withhold federal funds from ‘sanctuary jurisdictions,’ cities and counties that limit

⁵⁰ [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 31.

⁵¹ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

⁵² [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiff’s First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

the use of local resources to enforce federal immigration law. EO 14,218 directs every federal agency to ensure that ‘federal payments’ to localities do not ‘by design or effect’ ‘abet so called ‘sanctuary’ policies that seek to shield illegal aliens from deportation.’”⁵³ On February 5, 2005, former Attorney General Bondi released a “Sanctuary Jurisdictions Directive” Memorandum (“Bondi Directive”) “along with various memoranda and public comments about the orders and their force, provide a clear picture of what jurisdictions qualify, and of [these two EOs] intended purpose: to end or severely curtail federal funding for cities, counties and states that the Trump administration deems to be sanctuary jurisdictions.”⁵⁴ Cities, counties, states and other plaintiffs have challenged these EOs and the Bondi Directive “to the extent that they mandate the withholding of the Cities and Counties’ federal funding because they are sanctuary jurisdictions.”⁵⁵

2. What are the challenged provisions of the related-Executive Orders, Bondi Directive, and HUD April 4, 2025 Letter?

- a. Executive Order 14159, “Protecting the American People Against Invasion.”⁵⁶ “The first sentence of [Section 17 of Executive Order 14159](#)”⁵⁷

Sec. 17. Sanctuary Jurisdictions. The Attorney General and the Secretary of Homeland Security shall, to the maximum extent possible under law, evaluate and undertake any lawful actions to ensure that so-called “sanctuary” jurisdictions, which seek to interfere with the lawful exercise of Federal law enforcement operations, do not receive access to Federal funds. Further, the Attorney General and the Secretary of Homeland Security shall evaluate and undertake any other lawful actions, criminal or civil, that they deem warranted based on any such jurisdiction's practices that interfere with the enforcement of Federal law.⁵⁸

- b. [Executive Order 14218, “Ending Taxpayer Subsidization of Open Borders:”](#)⁵⁹ “Section 2(a)(ii) of Executive Order 14,218”⁶⁰

⁵³ [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)) at 1-2; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)).

⁵⁴ [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)) at 1; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)).

⁵⁵ [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)) at 2; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)).

⁵⁶ [Exec. Order No. 14159](#), 90 Fed. Reg. 8443 (Jan. 29, 2025).

⁵⁷ [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)) at 6; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)).

⁵⁸ [Exec. Order No. 14159](#), 90 Fed. Reg. 8443, § 17, (Jan. 29, 2025).

⁵⁹ [Exec. Order No. 14159](#), 90 Fed. Reg. 8443, § 17, (Jan. 29, 2025).

⁶⁰ [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025) at 6, [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)); [Further Order Regarding Preliminary Injunction](#) (May 3, 2025) ([Docket #126](#)), [Order Clarifying April 2025 Preliminary Injunction](#) (May 9, 2025) ([Docket #136](#)), [Order Regarding Disputes Over the Propriety of Standard Conditions](#) (June 23, 2025) ([Docket #147](#)); [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 6.

Sec. 2. Preserving Federal Public Benefits. (a) To prevent taxpayer resources from acting as a magnet and fueling illegal immigration to the United States, and to ensure, to the maximum extent permitted by law, that no taxpayer-funded benefits go to unqualified aliens, the head of each executive department or agency (agency) shall:

(ii) ensure, consistent with applicable law, that Federal payments to States and localities do not, by design or effect, facilitate the subsidization or promotion of illegal immigration, or abet so-called “sanctuary” policies that seek to shield illegal aliens from deportation . . . ⁶¹

- c. [Attorney General Pam Bond Memorandum, “Sanctuary Jurisdiction Directives,”](#) (DOJ February 5, 2025).

Preamble, Sec. 1: “In furtherance of that objective, the Department of Justice will ensure that, consistent with law, ‘sanctuary jurisdictions’ do not receive access to Federal funds from the Department. Consistent with applicable statutes, regulations, court orders, and terms, the Department of Justice shall pause the distribution of all funds until a review has been completed, terminate any agreements that are in violation of law or are the source of waste, fraud, or abuse, and initiate clawback or recoupment procedures, where appropriate...(FN omitted).”

- i. [Executive Order 14,287, “Protecting American Communities from Criminal Aliens”](#)⁶²

Sec. 3 . Consequences for Sanctuary Jurisdiction Status. (a) With respect to sanctuary jurisdictions that are designated under section 2(a) of this order, the head of each executive department or agency (agency), in coordination with the Director of the Office of Management and Budget and as permitted by law, shall identify appropriate Federal funds to sanctuary jurisdictions, including grants and contracts, for suspension or termination, as appropriate.

(b) With respect to jurisdictions that remain sanctuary jurisdictions after State or local officials are provided notice of such status under section 2(b) of this order and yet remain in defiance of Federal law, the Attorney General and the Secretary of Homeland Security shall pursue all necessary legal remedies and enforcement measures to end these violations and bring such jurisdictions into compliance with the laws of the United States.⁶³

- d. [April 4, 2025 Letter from HUD Secretary Scott Turner \(“April 4, 2025 HUD Letter”\)](#)

“[I] directed HUD senior leadership to review our programs and institute mechanisms that can ensure that HUD programs are compliant with” Executive Order [14,218].⁶⁴

3. What is the challenged award condition?

⁶¹ [Exec. Order No. 14218](#), 90 Fed. Reg. 10581, § 2(ii) (Feb. 19, 2025).

⁶² [Exec. Order No. 14287](#), 90 Fed. Reg. 18761 (Apr. 28, 2025).

⁶³ [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Aug. 22, 2025), [Order Clarifying Preliminary Injunction](#) (N.D. Cal. May 9, 2025) ([Docket #136](#)) at 3.

⁶⁴ [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Aug. 22, 2025), [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 7.

Compliance with Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended ([8 U.S.C. §§ 1601-1646](#)) (PRWORA).

“Subject to the exceptions provided by the [Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (‘PRWORA’), the recipient must use SAVE, or an equivalent verification system approved by the Federal government, to prevent any Federal public benefit from being provided to an ineligible alien who entered the United States illegally or is otherwise unlawfully present in the United States.”⁶⁵

What is the status of challenges to this award condition?

- **Generally:** For now, the U.S. District Court for the Northern District of California has also ordered that HUD is prohibited from enforcing this condition “against Plaintiffs who currently receive or actively seek grants from Defendants.”⁶⁶ Plaintiffs are:
 - **Counties:** Los Angeles, CA; Marin County, CA; Monroe County, NY; Monroe County Airport Authority; Sacramento County, CA; San Diego County, CA; and Santa Barbara, CA.
 - **Cities:** Alameda, CA; Atlanta, GA; Beaverton, OR; Corvallis, OR; Eureka, CA; Fresno, CA; Hillsboro, OR; Mountain View, CA; Redwood City, CA; Salem, OR; Saint Paul, MN; San Mateo, CA; Santa Clara, CA, Santa Cruz, CA; Stockton, CA; Sunnyvale, CA; South Lake Tahoe, CA; and Vacaville, CA.⁶⁷
- **HUD CoC programs:** For now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).⁶⁸ HUD CoC Plaintiffs are:

Alameda County, Albuquerque, Allegheny County, Baltimore, Cambridge, City of Berkeley, Boston, City of Cincinnati, Columbus, Dane County, Delaware County, Pennsylvania, Hennepin County, Martin Luther King, Jr. County, King County RHA, Los Angeles Homeless Services Authority, Metropolitan Government of Nashville & Davidson County, Milwaukee, Multnomah

⁶⁵ *King County v. Turner*, No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 8, 44-46. Appeal pending - [County of King, et al. v. Turner, et. al.](#), No. 25-3664 (9th Cir. 2025); *see also* *City of Fresno v. Turner*, No. 25-cv-07070 (N.D. Cal. Sep. 23, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #46](#)) at 3. Appeal pending - [County of King, et al. v. Turner, et. al.](#), No. 25-3664 (9th Cir. 2025)

⁶⁶ *City of Fresno v. Turner*, No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)); [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) at 4-5, 36 (April 28, 2026) ([Docket #89](#)) (court granted Plaintiffs’ request to include additional plaintiffs and extend the prohibition to new plaintiffs, and denied Plaintiffs’ request for an injunction that would have enjoined the Defendants all action related to this unlawful condition) at 19.

⁶⁷ *City of Fresno v. Turner*, No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 5, 36 and [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) at 2-3.

⁶⁸ *King County v. Turner*, No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13, 44-45. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#). This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

County, Nashville, NYC, Oakland, Pasadena, Petaluma, Pierce County, Pima County, Ramsey County, San Jose, San Mateo County, San Francisco, Santa Clara, Santa Monica Housing Authority, Snohomish County, Sonoma County, City of Spokane, Tucson.⁶⁹

- **All HUD programs administered by the HUD Office of Community Planning and Development:**⁷⁰ For now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).⁷¹ The Plaintiffs are:

Alameda County, City of Albany, County of Allegheny, City of Albuquerque, City of Baltimore, City of Bellevue, City of Bellingham, City of Bend, City of Berkeley, City of Boston, City of Bremerton, City of Cambridge, City of Chicago, City of Cincinnati, City of Columbus, City of Culver, Culver City Housing Authority, Dane County, City of Eugene, Delaware County, PA, City of Healdsburg, Hennepin County, King County, King County RHA, Kitsap County, City of Los Angeles, Los Angeles Homeless Services Authority, City of Milwaukee, Milwaukee County, City of Minneapolis, Multnomah County, City of Nashville, City of New Haven, City of New York, City of Oakland, City of Olympia, City of Pacifica, City of Pasadena, City of Palo Alto, City of Pasadena, City of Petaluma, Pierce County, Pima County, Pittsburgh, City of Port Angeles, Portland, Ramsey County, Rochester, City of Rohnert Park, San Diego, City of San Francisco, County of San Francisco; San Jose, San Mateo County, Santa Clara, Santa Clara County Housing Authority, County of Santa Clara, City of Santa Fe, Santa Monica, City of Santa Rosa, Santa Monica HA, Santa Rosa, Sonoma County, Snohomish County, County of Sonoma, City of Spokane, City of Takoma, Tucson, Watsonville, City of Takoma, and Sonoma County Community Development Commission.⁷²

4. What is the award condition?

HUD CoC Programs: “No state or unit of general local government that receives funding under this grant may use that funding in a manner that by design or effect facilitates the subsidization or promotion of illegal immigration or abets policies that seek to shield illegal aliens from deportation.”⁷³

⁶⁹ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 8; [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 45; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al, No. 25-3664 \(9th Cir. 2025\)](#)

⁷⁰ U.S. Department of Housing and Urban Development, [HUD Community Planning and Development, Community Planning and Development Programs](#) (CPD programs include [Community Development Block Grant \(CDBG\); Emergency Solutions Grants \(ESG\); the Home Investment Partnerships \(HOME\) program; Housing Opportunities for Persons with AIDS \(HOPWA\) grant programs](#)).

⁷¹ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13; *see also* [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 28. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al, No. 25-3664 \(9th Cir. 2025\)](#)

⁷² [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14.

⁷³ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 8. Appeal pending - [County of King, et al. v. Turner, et. al, No.](#)

Community Development Block Grant (“CDBG”) Programs: “(7) If applicable, no state or unit of general local government that receives funding under this grant may use that funding in a manner that by design or effect facilitates the subsidization or promotion of illegal immigration or abets policies that seek to shield illegal aliens from deportation.”⁷⁴ (“CDBG Condition 7”).

What is the status of challenges to this condition and [Executive Order 14218, “Ending Taxpayer Subsidization of Open Borders”](#)?⁷⁵

- **Generally:** The U.S. District Court for the Northern District of California, for now, has enjoined the federal agency HUD from enforcing [Executive Order 14218, “Ending Taxpayer Subsidization of Open Borders”](#):⁷⁶ “Section 2(a)(ii) of Executive Order 14218,”⁷⁷ which “imposes immigration-related conditions upon grants...for the purpose of coercing sanctuary jurisdictions into modifying their policies to conform with federal ones.”⁷⁸

Additionally, in the same case, the Court, for now, enjoined HUD from imposing CDBG Condition 7 on Plaintiff organizations and HUD “may not deny plaintiffs [provided below] federal funding for CDBG grants based on the implementation of condition 7....”⁷⁹

Plaintiff Cities and Counties are:

County of Alameda, City of Albany, City of Albuquerque, Allegheny County, Pennsylvania, Mayor and City of Baltimore, City of Bend, City of Benicia, City of Berkeley, City of Boston, City of Cambridge, City of Cathedral City, City of Chicago, City of Columbus, City of Culver City, County of Dane, City and County of Denver, City of Emeryville, City of Healdsburg, County of Hennepin, City of Los Angeles, County of

25-3664 (9th Cir. 2025); see also [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 3; [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)); [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 6. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

⁷⁴ [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Aug. 22, 2025), [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 12.

⁷⁵ Exec. Order No. 14159, 90 Fed. Reg. 8443, § 17, (Jan. 29, 2025).

⁷⁶ [Exec. Order No. 14159](#), 90 Fed. Reg. 8443, § 17, (Jan. 29, 2025).

⁷⁷ [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)); [Further Order Regarding Preliminary Injunction](#) (May 3, 2025) ([Docket #126](#)), [Order Clarifying April 2025 Preliminary Injunction](#) (May 9, 2025) ([Docket #136](#)), [Order Regarding Disputes Over the Propriety of Standard Conditions](#) (June 23, 2025) ([Docket #147](#)); [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 6, 14.

⁷⁸ [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 14.

⁷⁹ [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 14.

Marin, "Martin Luther King, Jr. County", City of Menlo Park, City of Minneapolis, County of Monterey, Multnomah County, City of New Haven, City of Oakland, City of Pacifica, City of Palo Alto, City of Petaluma, Pierce County, City of Portland, City of Richmond, City of Rochester, City of Rohnert Park, City of Sacramento, City & County of San Francisco, City of San Diego, City of San José, San Mateo County, County of Santa Clara, City of Santa Cruz, City of Santa Fe, City of Santa Rosa, City of Seattle, County of Sonoma, City of St. Paul, City of Watsonville, City of Wilsonville.⁸⁰

In a separate case, for now, the U.S. District Court for the Northern District of California has also ordered that HUD is prohibited from enforcing this condition “against Plaintiffs who currently receive or actively seek grants from Defendants.”⁸¹ Plaintiffs are:

- **Counties:** Los Angeles, CA; Marin County, CA; Monroe County, NY; Monroe County Airport Authority; Sacramento County, CA; San Diego County, CA; and Santa Barbara, CA.
- **Cities:** Alameda, CA; Atlanta, GA; Beaverton, OR; Corvallis, OR; Eureka, CA; Fresno, CA; Hillsboro, OR; Mountain View, CA; Redwood City, CA; Salem, OR; Saint Paul, MN; San Mateo, CA; Santa Clara, CA; Santa Cruz, CA; Stockton, CA; Sunnyvale, CA; South Lake Tahoe, CA; and Vacaville, CA.⁸²
- **HUD CoC programs:** For now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).⁸³ HUD CoC Plaintiffs are:

Alameda County, Albuquerque, Allegheny County, Baltimore, Cambridge, City of Berkeley, Boston, City of Cincinnati, Columbus, Dane County, Delaware County, Pennsylvania, Hennepin County, Martin Luther King, Jr. County, King County RHA, Los Angeles Homeless Services Authority, Metropolitan Government of Nashville & Davidson County, Milwaukee, Multnomah County, Nashville, NYC, Oakland, Pasadena, Petaluma, Pierce County, Pima County, Ramsey County, San Jose, San Mateo County,

⁸⁰ [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)) at 5-6; [Further Order Regarding Preliminary Injunction](#) (May 3, 2025) ([Docket #126](#)); [Order Clarifying Preliminary Injunction](#) (May 9, 2026) ([Docket #136](#)); [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 1-2.

⁸¹ [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)); [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) (court granted Plaintiffs’ request to include additional plaintiffs and extend the prohibition to new plaintiffs, and denied Plaintiffs’ request for an injunction that would have enjoined the Defendants all action related to this unlawful condition) at 19.

⁸² [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 5, 36 and [Order Denying Motion to Dismiss or in the Alternative Transfer and Granting in Part and Denying in Part Motion for Preliminary Injunction](#) (April 28, 2026) ([Docket #89](#)) at 2-3.

⁸³ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13, 44-45.

San Francisco, Santa Clara, Santa Monica Housing Authority, Snohomish County, Sonoma County, City of Spokane, Tucson.⁸⁴

- **All HUD programs administered by the HUD Office of Community Planning and Development:**⁸⁵ For now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).⁸⁶ The Plaintiffs are:

Alameda County, City of Albany, County of Allegheny, City of Albuquerque, City of Baltimore, City of Bellevue, City of Bellingham, City of Bend, City of Berkeley, City of Boston, City of Bremerton, City of Cambridge, City of Chicago, City of Cincinnati, City of Columbus, City of Culver, Culver City Housing Authority, Dane County, City of Eugene, Delaware County, PA, City of Healdsburg, Hennepin County, King County, King County RHA, Kitsap County, City of Los Angeles, Los Angeles Homeless Services Authority, City of Milwaukee, Milwaukee County, City of Minneapolis, Multnomah County, City of Nashville, City of New Haven, City of New York, City of Oakland, City of Olympia, City of Pacifica, City of Pasadena, City of Palo Alto, City of Pasadena, City of Petaluma, Pierce County, Pima County, Pittsburgh, City of Port Angeles, Portland, Ramsey County, Rochester, City of Rohnert Park, San Diego, City of San Francisco, County of San Francisco; San Jose, San Mateo County, Santa Clara, Santa Clara County Housing Authority, County of Santa Clara, City of Santa Fe, Santa Monica, City of Santa Rosa, Santa Monica HA, Santa Rosa, Sonoma County, Snohomish County, County of Sonoma, City of Spokane, City of Takoma, Tucson, Watsonville, City of Takoma, and Sonoma County Community Development Commission.⁸⁷

- **Select states:** HUD has agreed not to enforce and apply in Plaintiff states (identified below) the “HUD PRWORA Notice” (Nov. 26, 2025). Defendants have also agreed that regardless of the outcome of the litigation, HUD will never enforce or in any way apply the HUD PRWORA Notice, including the interpretation of PRWORA expressed in that Notice.⁸⁸

Plaintiff states, which include “their subdivisions and instrumentalities,” are: State of Arizona; State of California; State of Colorado; State of Connecticut; State of Delaware; District of Columbia; State of

⁸⁴ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)) at 8; [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 45; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14.

⁸⁵ U.S. Department of Housing and Urban Development, [HUD Community Planning and Development, Community Planning and Development Programs](#) (CPD programs include [Community Development Block Grant \(CDBG\)](#); [Emergency Solutions Grants \(ESG\)](#); the [Home Investment Partnerships \(HOME\)](#) program; [Housing Opportunities for Persons with AIDS \(HOPWA\) grant programs](#)).

⁸⁶ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13. Appeal pending - [County of King, et al. v. Turner, et. al.](#), No. 25-3664 (9th Cir. 2025); *see also* [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 28.

⁸⁷ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs' First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14. Appeal pending - [County of King, et al. v. Turner, et. al.](#), No. 25-3664 (9th Cir. 2025).

⁸⁸ [New York v. DOJ](#), No. 1:25-cv-00345 (D.R.I. June 21, 2025), [Stipulation](#) (April 3, 2026) ([Docket #102](#)) at 1-2.

Hawai‘i; State of Illinois; State of Maine; State of Maryland; Commonwealth of Massachusetts; State of Michigan; State of Minnesota; State of Nevada; State of New Jersey; State of New Mexico; State of New York; State of Oregon; State of Rhode Island; State of Vermont; State of Washington; State of Wisconsin⁸⁹

5. What is the award condition?

SAVE Verification

“Unless excepted by PRWORA, the recipient or applicant must use SAVE, or an equivalent verification system approved by the Federal government, to prevent any Federal public benefit from being provided to an ineligible alien who entered the United States illegally or is otherwise unlawfully present in the United States.”⁹⁰

What is the status of challenges to this condition?

HUD CoC programs: For now, HUD is enjoined from imposing this CoC condition on individual plaintiff local entities, which are:⁹¹ King County, Pierce County, Snohomish County, City and County of San Francisco, Santa Clara County, Boston, Columbus, and New York City, Metropolitan Government of Nashville & Davidson County (“Nashville”), Pima County, Cambridge, San Jose, Pasadena, Tucson, King County Regional Homelessness Authority located in King County, Washington (“King County RHA”), Santa Monica Housing Authority, California (“Santa Monica HA”), Alameda County, Albuquerque, Baltimore, Columbus, Dane County, Hennepin County, Milwaukee, Multnomah County, Oakland, Petaluma, Ramsey County, San Mateo County, and Sonoma County, Allegheny County, Pennsylvania, City of Berkeley, California, City of Cincinnati, Ohio, Delaware County, Pennsylvania, Los Angeles Homeless Services Authority, City of Spokane, Washington;⁹² and Housing Authority of the City of Los Angeles, Housing Authority of the City and County of San Francisco, Housing Authority of Baltimore City, Home Forward, Housing Authority of the City of Salem, Housing Authority of the County of San Diego, Los Angeles County Development Authority, San Diego Housing Commission, Monroe County Airport Authority, County of San Diego, County of Marin, City of Redwood City, City of Alameda, County of Sacramento.⁹³

⁸⁹ [New York v. DOJ](#), No. 1:25-cv-00345 (D.R.I. June 21, 2025), [Stipulation](#) (April 3, 2026) ([Docket #102](#)).

⁹⁰ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13; [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 20. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

⁹¹ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13; [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 28. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

⁹² [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at Appendix I; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at Appendix I. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

⁹³ [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Sep. 23, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #46](#)).

All HUD programs administered by the HUD Office of Community Planning and Development:⁹⁴

For now, the U.S. District Court for the Western District of Washington has enjoined HUD from “imposing or enforcing” this condition at any stage of the grantmaking process with respect to the named plaintiffs (or their subrecipients).⁹⁵ The Plaintiffs are:

Alameda County, City of Albany, County of Allegheny, City of Albuquerque, City of Baltimore, City of Bellevue, City of Bellingham, City of Bend, City of Berkeley, City of Boston, City of Bremerton, City of Cambridge, City of Chicago, City of Cincinnati, City of Columbus, City of Culver, Culver City Housing Authority, Dane County, City of Eugene, Delaware County, PA, City of Healdsburg, Hennepin County, King County, King County RHA, Kitsap County, City of Los Angeles, Los Angeles Homeless Services Authority, City of Milwaukee, Milwaukee County, City of Minneapolis, Multnomah County, City of Nashville, City of New Haven, City of New York, City of Oakland, City of Olympia, City of Pacifica, City of Pasadena, City of Palo Alto, City of Pasadena, City of Petaluma, Pierce County, Pima County, Pittsburgh, City of Port Angeles, Portland, Ramsey County, Rochester, City of Rohnert Park, San Diego, City of San Francisco, County of San Francisco; San Jose, San Mateo County, Santa Clara, Santa Clara County Housing Authority, County of Santa Clara, City of Santa Fe, Santa Monica, City of Santa Rosa, Santa Monica HA, Santa Rosa, Sonoma County, Snohomish County, County of Sonoma, City of Spokane, City of Takoma, Tucson, Watsonville, City of Takoma, and Sonoma County Community Development Commission.⁹⁶

Select states: Additionally, HUD has agreed that it “will never enforce or in any way apply, in Plaintiff States [identified below] any grant conditions purporting to require verification of immigration status pursuant to PRWORA for any HUD program newly interpreted by HUD in the HUD PRWORA Notice to fall within PRWORA’s definition of ‘Federal public benefit’[.]”⁹⁷ Plaintiff states, which includes “their subdivisions and instrumentalities,” are:

State of Arizona; State of California; State of Colorado; State of Connecticut; State of Delaware; District of Columbia; State of Hawai‘i; State of Illinois; State of Maine; State of Maryland; Commonwealth of Massachusetts; State of Michigan; State of Minnesota; State of Nevada; State of New Jersey; State of New Mexico; State of New York; State of Oregon; State of Rhode Island; State of Vermont; State of Washington; State of Wisconsin.⁹⁸

⁹⁴ U.S. Department of Housing and Urban Development, [HUD Community Planning and Development, Community Planning and Development Programs](#) (CPD programs include [Community Development Block Grant \(CDBG\); Emergency Solutions Grants \(ESG\); the Home Investment Partnerships \(HOME\) program; Housing Opportunities for Persons with AIDS \(HOPWA\) grant programs](#)).

⁹⁵ *King County v. Turner*, No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 13; *see also* *City of Fresno v. Turner*, No. 25-cv-07070 (N.D. Cal. Aug. 20, 2025), [Complaint](#) (Aug. 20, 2025) ([Docket #1](#)) at 28. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

⁹⁶ *King County v. Turner*, No. 2:25-cv-00814 (W.D. Wash. June 3, 2025), [Order Granting Plaintiffs’ First and Second Motions for Preliminary Injunction](#) (June 3, 2025) ([Docket #169](#)); [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 43-44; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 13-14. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

⁹⁷ *New York v. DOJ*, No. 1:25-cv-00345 (D.R.I. June 21, 2025), [Stipulation](#) (April 3, 2026) ([Docket #102](#)) at 1-2.

⁹⁸ *New York v. DOJ*, No. 1:25-cv-00345 (D.R.I. June 21, 2025), [Stipulation](#) (April 3, 2026) ([Docket #102](#)).

ii. Status of Select HUD Notices of Funding Opportunities (NOFOs)

Courts have issued different restrictions on three of HUD's Notices of Funding Opportunities (NOFOs).

- HUD is prohibited from making awards under the CoC Builds NOFO it issued on September 5, 2025.⁹⁹
- HUD is prohibited from making FY 2025 CoC awards under the NOFOs it issued in November and December 2025. HUD must noncompetitively renew all existing grants expiring in the first two quarters of 2026, and, for the third and fourth quarters of 2026, must either noncompetitively renew all existing grants or make awards under the two-year FY24-25 NOFO.¹⁰⁰
- HUD may not impose new award conditions on Continuum of Care (CoC) projects expiring in FY 2026 (including youth homelessness demonstration projects and shelter plus care projects), which, pursuant to [Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, Pub. L. No. 119-75, § 244, 140 Stat. 173, 422 \(2026\)](#), HUD is essentially required to noncompetitively renew. On May 12, 2026, HUD agreed not to impose any of the award conditions it initially tried to impose on all the FY2025 CoC projects.¹⁰¹

⁹⁹ [National Alliance to End Homelessness v. Turner](#), No. 1:25-cv-00447 (D.R.I. Sep. 11, 2025), [Memorandum and Order](#) (March 31, 2026) ([Docket #31](#)).

¹⁰⁰ [National Alliance to End Homelessness v. HUD](#), No. 1:25-cv-00636 (D.R.I. Dec. 23, 2025), [Order for Relief Under 5 U.S.C. § 705 and for Preliminary Injunction](#) (Dec. 23, 2025) ([Docket #52](#)). On Feb. 27, 2026, the court denied Defendants' February 17, 2026 Combined Motion to Dissolve the December 19, 2025 Preliminary Injunctions. The United States Court of Appeals for the First Circuit [denied Defendants' motion for stay of the preliminary injunction pending appeal](#) (Apr. 1, 2026) ([Docket #83](#)) and [granted Appellants' motion to voluntarily dismiss their appeal](#) (Apr. 27, 2026) ([Docket #86](#)).

¹⁰¹ [National Alliance to End Homelessness v. HUD](#), No. 1:25-cv-00636 (D.R.I. Dec. 23, 2025), [Joint Stipulation](#) (May 12, 2026) ([Docket #91](#)). On Feb. 27, 2026, the court denied Defendants' February 17, 2026 Combined Motion to Dissolve the December 19, 2025 Preliminary Injunctions. The United States Court of Appeals for the First Circuit [denied Defendants' motion for stay of the preliminary injunction pending appeal](#) (Apr. 1, 2026) ([Docket #83](#)) and [granted Appellants' motion to voluntarily dismiss their appeal](#) (Apr. 27, 2026) ([Docket #86](#)).

U.S. Department of Justice (DOJ)

In this chapter, users will find: (A) relevant agency policy, guidance memos, and other grants-related guidance issued by the government; and (B) an overview of challenged DOJ award conditions, certifications, and/or conditions/certification applied to Notice of Funding Opportunities (NOFOs).

A. Agency Policies, Guidance Memos, & Other Grants-Related Guidance

- [Office for Victims of Crime Training and Technical Assistance Provider Issued List of Banned Words](#), p. 5
- [DOJ Ending Illegal DEI and DEIA Discrimination and Preferences](#), Feb. 5, 2025
- [2025 Memorandum from the Attorney General entitled “Sanctuary Jurisdictions Directives](#), Feb. 5, 2025
- [OJP FY 2025 General Terms and Conditions](#), May 2025
- [OVW FY 2025 General Terms and Conditions](#)
- [DOJ Civil Rights Fraud Initiative](#), May 19, 2025
- [DOJ Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination](#), July 29, 2025
- [DOJ Grants Financial Guide](#), last updated Sep. 2025
- [DOJ Letter to Plaintiffs, Rhode Island Coalition Against Domestic Violence v. Bondi](#), Nov. 19, 2025

B. Challenged Award/NOFO Conditions and/or Certifications, and/or NOFOs

The below section provides an overview of challenged award conditions.

i. Challenged Award Conditions by Topic:

This section lists challenged award conditions/certifications, identified by topic, and organized in alphabetical order. We have described whether specific conditions/certification have been paused by a court, which is often called being “[enjoined](#)” or “stayed.” For DOJ, the challenged award conditions as of April 2026, include:

- [Coercing Compliance with Executive Orders](#)
- [Conditions Applied by the Office on Violence Against Women \(OVW\) Only](#)
 - Awareness Campaign Condition
 - Systemic Framing of Domestic Violence and Sexual Assault Conditions
- [Diversity, Equity, and Inclusion](#)
- [Immigration](#)
 - Challenged Immigration-Related Policies and Executive Orders Impacting DOJ Applicants and/or Grantees
 - Award/NOFO Conditions Impacting Both DOJ Office for Victims of Crime (OVC) and Office of Justice Programs (OJP) Grantees
 - Challenged Award/NOFO Conditions Impacting Only DOJ OJP
 - Challenged Award/NOFO Conditions Impacting Only DOJ OVW

Users may search among the information below by award/NOFO condition/certification topic to see:

- The language of the specific award condition or certification; and

- Information that will help users determine if HUD is permitted to impose the condition/certification on grantees or grant applicants.

Coercing Compliance with Executive Orders

Background

DOJ has attempted to enforce compliance with all Executive Orders by imposing an award condition on grantees.

1. What is the challenged condition?

DOJ has attempted to require FY 2025 OVW applicants to comply with all Executive Orders by identifying as “out-of-scope...[a]ny activity or program that unlawfully violates an Executive Order.”¹⁰²

What is the status of the challenged condition?

The U.S. District Court for the District of Rhode Island has stayed this challenged certification.¹⁰³

Conditions Applied by the Office on Violence Against Women (OVW) Only

This section discusses two grant conditions unique to OVW: (A) the awareness campaign condition; and (B) systemic framing of domestic violence and sexual assault conditions.

Background

In May 2025, OVW began issuing NOFOs that included a newly expanded list of “out-of-scope” activities that grantees may not engage in with grant funds. In June 2025, OVW formally announced that all applicants would be required to submit a letter certifying that grant funds will not be used for the out-of-scope activities listed in the Certification Regarding Out-of-Scope Activities section of the NOFO, and required applicants to already-closed NOFOs to submit a certification that they will abide by the stated “out of scope” conditions to be considered for previously submitted grant applications.¹⁰⁴ Two of these conditions are unique to OVW and addressed below.

Awareness Campaign Condition

1. What is the challenged condition?

¹⁰² [Rhode Island Coalition Against Domestic Violence v. Bondi](#), 1:25-cv-00279 (June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2026) (Docket #34) at 4, 6; [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹⁰³ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 4, 6. [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹⁰⁴ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26; [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

Awareness Campaign Condition

Grantees may not use grant funds for “[a]wareness campaigns or media that do not lead to tangible improvements in prevention, victim safety, or offender accountability,” stating that such activities were “out of scope.”¹⁰⁵

What is the status of the challenged condition?

The U.S. District Court for the District of Rhode Island has stayed this condition as it applies to all FY 2025 OVW grants.¹⁰⁶ The Court stated that it “finds that it is necessary and appropriate, for now, to grant the [plaintiffs’] request for a preliminary stay of the challenged conditions on all FY 2025 grants,” including the awareness campaigns condition.¹⁰⁷

Systemic Framing of Domestic Violence and Sexual Assault Conditions

1. What is the award condition?

Systemic Framing Condition

OVW attempted to disallow activities “that frame domestic violence or sexual assault as systemic social justice issues rather than criminal offenses (e.g., prioritizing criminal justice reform or social justice theories over victim safety and offender accountability),” deeming them as “out of scope.”¹⁰⁸

What is the status of the challenged condition?

The U.S. District Court for the District of Rhode Island has, for the moment, stayed this condition as it applies to all FY 2025 OVW grants.¹⁰⁹ The Court stated that it “finds that it is necessary and appropriate,

¹⁰⁵ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum in Support of Plaintiffs' Motion for Partial Summary Judgment \(Docket #45\)](#) at 29; [Memorandum and Order re Plaintiff's Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹⁰⁶ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27; [Memorandum and Order re Plaintiff's Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹⁰⁷ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27; [Memorandum and Order re Plaintiff's Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹⁰⁸ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27; [Memorandum and Order re Plaintiff's Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹⁰⁹ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27; [Memorandum and Order re Plaintiff's Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

for now, to grant the [plaintiffs’] request for a preliminary stay of the challenged conditions on all FY 2025 grants,” including the systemic framing condition.¹¹⁰

Diversity, Equity, and Inclusion

Background

In January 2025, President Trump issued “two executive orders related to diversity, equity, and inclusion (DEI).” See Exec. Order No. 14151, Ending Radical and Wasteful Government DEI Programs and Preferencing, 90 Fed. Reg. 8339 (Jan. 20) (“J20 Executive Order”); Exec. Order No. 14173, Ending Illegal Discrimination and Restoring Merit Based Opportunity, 90 Fed. Reg. 8633 (Jan. 21, 2025) (“J21 Executive Order”).¹¹¹

Additionally, DOJ has attempted to restrict certain diversity, equity, and inclusion (“DEI”) related activities through imposing an award condition and a certification requirement on grantees.

Users may wish to carefully read the below award conditions, summary of the Executive Orders, and corresponding litigation and consult to counsel to understand how ongoing litigation might affect to specific awards

1. What is the challenged provision of the applicable DEI-related Executive Orders?

The J21 Executive Order certification provision “states that ‘[t]he head of each agency shall include in every contract or grant award: . . . A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.’ [Exec. Order No. 14173, 90 Fed. Reg. 8633, § 3(b)(iv)].”¹¹²

What is the status of potential applicant’s challenges to this provision of the J21 Executive Order?

“The Northern District of Illinois enjoined enforcement of the J21 certification provision against all recipients of federal funding awarded by DOJ.”¹¹³ DOJ, therefore, cannot require DOJ grantees to certify that “‘it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.’ [Exec. Order No. 14173, 90 Fed. Reg. 8633, § 3(b)(iv)].”¹¹⁴

2. What is the challenged DEI-related award condition found in DOJ’s NOFOs?

¹¹⁰ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 6, 26-17; [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27; [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹¹¹ [Freedom Network v. Trump](#), No. 1:25-cv-12419 (N.D. Ill. Mar. 23, 2026), [Preliminary Injunction Memorandum and Order](#) (Mar. 23, 2026) ([Docket #89](#)) at 4-5.

¹¹² [Freedom Network v. Trump](#), No. 1:25-cv-12419 (N.D. Ill. Mar. 23, 2026), [Preliminary Injunction Memorandum and Order](#) (Mar. 23, 2026) ([Docket #88](#)) at 6.

¹¹³ [Freedom Network v. Trump](#), No. 1:25-cv-12419 (N.D. Ill. Mar. 23, 2026), [Preliminary Injunction Memorandum and Order](#) (Mar. 23, 2026) ([Docket #88](#)) at 52.

¹¹⁴ [Freedom Network v. Trump](#), No. 1:25-cv-12419 (N.D. Ill. Mar. 23, 2026), [Preliminary Injunction Memorandum and Order](#) (Mar. 23, 2026) ([Docket #88](#)) at 6, 52.

Unallowable cost: Anti-DEI Condition—DOJ has imposed a condition that prohibits funding for programs perceived to promote DEI, and which the Trump-Vance administration has stated violate anti-discrimination laws by promoting violations or favoring individuals based on certain criteria.

Specific condition language varies depending on the DOJ office:

OVC in DOJ’s OJP: “[A]ny program or activity, at any tier that violates any applicable Federal civil rights or nondiscrimination law. This includes violations that – (1) indirectly violate the law, including by promoting or facilitating violations; or (2) unlawfully favor individuals in any race or protected group, including on a majority or minority, or privileged or unprivileged, basis, within a given area, population, or sector” are unallowable costs.¹¹⁵

OVW: “Promoting or facilitating discriminatory programs or ideology, including illegal DEI and diversity, equity, inclusion and accessibility’ programs that do not advance the policy of equal dignity as described in Executive Order 14173, “[Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#)” is out of program scope.¹¹⁶

What is the status of challenges to these DOJ conditions?

OJP, OVC, Human Trafficking—Services for Victims of Human Trafficking NOFO:

The U.S. District Court for the Northern District of Illinois has stayed “OVC’s decision to include the . . . NOFO discrimination condition” in its Services for Victims of Human Trafficking NOFO.¹¹⁷ OVC is therefore enjoined from including this condition in its Services for Victims of Human Trafficking NOFO.

OVW:

The U.S. District Court for the District of Rhode Island has stayed this condition as it applies to all FY 2025 OVW grants.¹¹⁸ The Court stated that it “finds that it is necessary and appropriate, for now, to grant the [plaintiffs’] request for a preliminary stay of the challenged conditions on all FY 2025 grants.”¹¹⁹

¹¹⁵ See, e.g., [OVC FY25 Services for Victims of Crime NOFO](#) (July 21, 2025) at 4; [Freedom Network v. Trump](#), No. 1:25-cv-12419 (N.D. Ill. Mar. 23, 2026), [Preliminary Injunction Memorandum and Order](#) (Mar. 23, 2026) ([Docket #88](#)) at 7 (citing OVC FY25 Services for Victims of Human Trafficking NOFO).

¹¹⁶ See e.g. [U.S. Dept. of Justice Office on Violence Against Women FY 2025 Grants to Enhance Community-based Services for Survivors of Domestic Violence, Dating Violence, Sexual Assault, and Stalking Program](#), p. 12 (posted Aug. 1, 2025)

¹¹⁷ [Freedom Network v. Trump](#), 1:25-cv-12419 (N.D. Ill.), [Preliminary Injunction Memorandum and Order](#), p. 52 (March 23, 2026)

¹¹⁸ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27; [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27; [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹¹⁹ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27; [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27; [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of

3. What is the challenged OJP anti-DEI certification and its status?

OJP Federal Civil Rights and Nondiscrimination Laws (certification)

“Compliance with Federal civil rights and nondiscrimination laws is material to the government’s decision to make any award and payment under this program, including for purposes of the False Claims Act, and each recipient will be required to certify (in its acceptance of the conditions of the award) that it does not operate any programs (including any such programs having components relating to diversity, equity and inclusion) that violate any applicable Federal civil rights or nondiscrimination laws.”¹²⁰

Status

For now, this condition in the OJP General Terms and Conditions is stayed pursuant to an order by the U.S. District Court for the District of Rhode Island.¹²¹ In addition, the District Court for the Northern District of Illinois stayed “OVC’s decision to include the NOFO certification condition on the Services for Victims of Human Trafficking NOFO.”¹²² OVC is enjoined from applying this condition to applicants to the Services for Victims of Human Trafficking NOFO.

4. What is the challenged OVW anti-DEI certification and its status?

OVW Federal Civil Rights and Nondiscrimination Laws (certification)

“The recipient agrees that its compliance with all applicable federal civil rights and nondiscrimination laws is material to the government’s decision to make this award and any payment thereunder, including for purposes of the False Claims Act. . . , and, by accepting this award, certifies that it does not operate any programs (including any such programs having components relating to diversity, equity, and inclusion) that violate any applicable federal civil rights or nondiscrimination laws.”¹²³

Status

the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹²⁰ Office of Justice Programs, "[General Conditions](#)" for OJP Awards in FY 2025, Federal Civil Rights and Nondiscrimination Laws (certification) (May 12, 2025); [Freedom Network v. Trump](#), No. 1:25-cv-12419 (N.D. Ill. Mar. 23, 2026), [Preliminary Injunction Memorandum and Order](#) (Mar. 23, 2026) ([Docket #88](#)) (citing OVC FY25 Services for Victims of Human Trafficking NOFO).

¹²¹ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (April 17, 2026) ([Docket #63](#)); [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27; [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹²² [Freedom Network v. Trump](#), No. 1:25-cv-12419 (N.D. Ill. Mar. 23, 2026), [Preliminary Injunction Memorandum and Order](#) (Mar. 23, 2026) ([Docket #88](#)) at 52.

¹²³ Office on Violence Against Women, [FY 2025 General Terms and Conditions](#); Condition #15.

The U.S. District Court for Rhode Island has stayed this challenged certification that appears in the OVW General Terms and Conditions for FY 2025.¹²⁴

5. What is the challenged Department of Labor (DOL) anti-DEI certification and its status?

As noted in the above discussion regarding Exec. Order No. 14173, J21 Executive Order, this EO certification provision “requires the ‘head of each agency’ to include ‘terms’ in every contract or grant award that requires the counterparty to ‘certify’ certain matters” including that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.”¹²⁵

In *Chicago Women in Trades (CWIT) v. Trump*, the U.S. District Court for the Northern District of Illinois barred DOL from enforcing the Certification Provision against any DOL grantee or contractor.¹²⁶ The court enjoined Defendants from requiring “any grantee or contractor to make any ‘certification’ or other representation” pursuant to the Certification Provision of Exec. Order No. 14173.¹²⁷ The Court also ordered that the Government, including DOJ, “shall not initiate any False Claims Act enforcement against CWIT pursuant to the Certification Provision”¹²⁸

Immigration

Background

DOJ has attempted to restrict certain services from being provided to non-U.S. citizens through imposing award conditions on grantees.

This section addresses:

- a. Challenged Immigration-Related Policies and Executive Orders Impacting DOJ Applicants and/or Grantees;
- b. Award/NOFO Conditions Impacting both OVC and OJP grantees;
- c. Challenged Award/NOFO Conditions Impacting Only DOJ OJP grantees; and
- d. Challenged Award/NOFO Conditions Impacting Only DOJ OVW grantees.

a. Challenged Immigration-Related Policies and Executive Orders Impacting DOJ Applicants and/or Grantees

1. What is the 2025 DOJ Order regarding the PRWORA (Personal Responsibility and Work Opportunity Reconciliation Act)?

¹²⁴ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26; [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27; [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹²⁵ [Chicago Women in Trades v. Trump](#), No. 1:25-cv-02005 (N.D. Ill. Feb. 26, 2025), [Memorandum Opinion and Order](#) (Apr. 14, 2025) ([Docket #68](#)) at 7-8.

¹²⁶ [Chicago Women in Trades v. Trump](#), No. 1:25-cv-02005 (N.D. Ill. Feb. 26, 2025), [Memorandum Opinion and Order](#) (Apr. 14, 2025) ([Docket #68](#)) at 44.

¹²⁷ [Chicago Women in Trades v. Trump](#), No. 1:25-cv-02005 (N.D. Ill. Feb. 26, 2025), [Order](#) (Apr. 15, 2025) ([Docket #69](#)) at 2.

¹²⁸ [Chicago Women in Trades v. Trump](#), No. 1:25-cv-02005 (N.D. Ill. Feb. 26, 2025), [Order](#) (Apr. 15, 2025) ([Docket #69](#)) at 2.

On July 11, 2025, DOJ issued an order entitled “[Revised Specification Pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996](#),” (“2025 DOJ Order”) attempting to revoke previously-existing exemptions allowing for undocumented individuals to receive services related to basic life and safety, including domestic violence programs, emergency shelters, soup kitchens, and youth safety initiatives, and providing verification exceptions.

What is the status of the challenged 2025 DOJ Order?

The U.S. District Court for the District of Rhode Island ordered that “Defendants, their employees, and anyone acting in concert with them, are and until further order of [the] Court shall remain enjoined from enforcing or implementing in the Plaintiff States [see below]” the DOJ PRWORA Notice.¹²⁹

Plaintiff states are:

State of Arizona, State of California, State of Colorado, State of Connecticut, State of Delaware, District of Columbia, State of Hawai'i, State of Illinois, State of Maine, State of Maryland, Commonwealth of Massachusetts, State of Michigan, State of Minnesota, State of Nevada, State of New Jersey, State of New Mexico, State of New York, State of Oregon, State of Rhode Island, State of Vermont, State of Washington, and State of Wisconsin.¹³⁰

2. What are the relevant Executive Orders and DOJ policies regarding “Anti-Sanctuary Jurisdiction” efforts and what is the status of challenges to these EOs and policies?

As Court in the U.S. District Court for the Northern District of California stated: “Shortly after taking office in 2025, President Trump issued Executive Orders 14,149 (‘Protecting the American People Against Invasion’) (‘EO 14,149’) and 14,218 (‘Ending Taxpayer Subsidization of Open Borders’) (‘EO14,218’) . . . EO 14,159 directs the United States Attorney General and the . . . Department of Homeland Security (‘DHS’) Secretary to withhold federal funds from ‘sanctuary jurisdictions,’ cities and counties that limit the use of local resources to enforce federal immigration law. EO 14,218 directs every federal agency to ensure that ‘federal payments’ to localities do not ‘by design or effect’ ‘abet so called ‘sanctuary’ policies that seek to shield illegal aliens from deportation.’”¹³¹ On February 5, 2025, former Attorney General Bondi released a “Sanctuary Jurisdictions Directive” Memorandum (“Bondi Directive”) “along with various memoranda and public comments about the orders and their force, provide a clear picture of what jurisdictions qualify, and of [these two EOs] intended purpose: to end or severely curtail federal funding for cities, counties and states that the Trump administration deems to be sanctuary jurisdictions.”¹³² Cities, counties, states and other plaintiffs have challenged these EOs and the Bondi

¹²⁹ [New York v. DOJ](#), No. 1:25-cv-00345 (D.R.I. July 21, 2025), [Preliminary Injunction](#) (Sep. 30, 2025) ([Docket #64](#)) at 59-60.

¹³⁰ [New York v. DOJ](#), No. 1:25-cv-00345 (D.R.I. July 21, 2025), [Preliminary Injunction](#) (Sep. 30, 2025) ([Docket #64](#)) at 59-60.

¹³¹ [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)) at 1-2; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)).

¹³² [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)) at 6; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)).

Directive “to the extent that they mandate the withholding of the Cities and Counties’ federal funding because they are sanctuary jurisdictions.”¹³³

3. What are the challenged provisions of the related-Executive Orders and Bondi Directive?

- a) Executive Order 14159, “Protecting the American People Against Invasion:”¹³⁴ “The first sentence of [Section 17 of Executive Order 14159](#)”¹³⁵

Sec. 17. Sanctuary Jurisdictions. The Attorney General and the Secretary of Homeland Security shall, to the maximum extent possible under law, evaluate and undertake any lawful actions to ensure that so-called “sanctuary” jurisdictions, which seek to interfere with the lawful exercise of Federal law enforcement operations, do not receive access to Federal funds. Further, the Attorney General and the Secretary of Homeland Security shall evaluate and undertake any other lawful actions, criminal or civil, that they deem warranted based on any such jurisdiction's practices that interfere with the enforcement of Federal law.¹³⁶

- b) [Executive Order 14218, “Ending Taxpayer Subsidization of Open Borders:”](#)¹³⁷

Sec. 2. Preserving Federal Public Benefits. (a) To prevent taxpayer resources from acting as a magnet and fueling illegal immigration to the United States, and to ensure, to the maximum extent permitted by law, that no taxpayer-funded benefits go to unqualified aliens, the head of each executive department or agency (agency) shall:

(ii) ensure, consistent with applicable law, that Federal payments to States and localities do not, by design or effect, facilitate the subsidization or promotion of illegal immigration, or abet so-called “sanctuary” policies that seek to shield illegal aliens from deportation”¹³⁸

- c) [Attorney General Pam Bondi Memorandum Directive, “Sanctuary Jurisdiction Directives,”](#) (DOJ February 5, 2025).

Preamble, Sec. 1: “In furtherance of that objective, the Department of Justice will ensure that, consistent with law, ‘sanctuary jurisdictions’ do not receive access to Federal funds from the Department. Consistent with applicable statutes, regulations, court orders, and terms, the Department of Justice shall pause the distribution of all funds until a review has been completed, terminate any agreements that are in violation of law or are the source of waste, fraud, or abuse, and initiate clawback or recoupment procedures, where appropriate” (footnote omitted).

¹³³ [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)) at 6; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)).

¹³⁴ [Exec. Order No. 14159](#), 90 Fed. Reg. 8443 (Jan. 20, 2025).

¹³⁵ [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)) at 6; [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)).

¹³⁶ [Exec. Order No. 14159](#), 90 Fed. Reg. 8443, Sec. 17 (Jan. 20, 2025).

¹³⁷ [Exec. Order No. 14218](#), 90 Fed. Reg. 10581 (Feb. 19, 2025).

¹³⁸ [Exec. Order No. 14218](#), 90 Fed. Reg. 10581, Sec. 2(ii) (Feb. 19, 2025).

- d) [Executive Order 14,287, “Protecting American Communities from Criminal Aliens”](#)¹³⁹

Sec. 3. Consequences for Sanctuary Jurisdiction Status. (a) With respect to sanctuary jurisdictions that are designated under section 2(a) of this order, the head of each executive department or agency (agency), in coordination with the Director of the Office of Management and Budget and as permitted by law, shall identify appropriate Federal funds to sanctuary jurisdictions, including grants and contracts, for suspension or termination, as appropriate.

(b) With respect to jurisdictions that remain sanctuary jurisdictions after State or local officials are provided notice of such status under section 2(b) of this order and yet remain in defiance of Federal law, the Attorney General and the Secretary of Homeland Security shall pursue all necessary legal remedies and enforcement measures to end these violations and bring such jurisdictions into compliance with the laws of the United States.

4. What is the status of the challenged provisions of the related-Executive Orders and Bondi Directive?

DOJ and other defendants “are enjoined from directly or indirectly taking any action to withhold, freeze, or condition federal funds from the [Plaintiff] Cities and Counties [listed below] based on: (1) the first sentence of Section 17 of Executive Order 14,159, (2) Section 2(a)(ii) of Executive Order 14,218 (3) the Preamble and Section I of the February 5, 2025 Memorandum from the Attorney General entitled ‘Sanctuary Jurisdictions Directives; or (4) any other Executive Order or Government action that poses the same coercive threat to eliminate or suspend federal funding based on the Government’s assertion that a jurisdiction is a ‘sanctuary jurisdiction,’ on the basis that the Cities and Counties have policies that limit (i) the honoring of civil immigration detainer requests; (ii) cooperation with administrative warrants for purposes of immigration enforcement; (iii) sharing of information with federal immigration authorities other than immigration or citizenship status; (iv) the use of local law enforcement to arrest or detain individuals solely for civil immigration violations; or (v) the use of local resources to assist with civil immigration enforcement activities.”¹⁴⁰

Plaintiff Cities and Counties are:

County of Alameda, City of Albany, City of Albuquerque, Allegheny County, Pennsylvania, Mayor and City of Baltimore, City of Bend, City of Benicia, City of Berkeley, City of Boston, City of Cambridge, City of Cathedral City, City of Chicago, City of Columbus, City of Culver City, County of Dane, City and County of Denver, City of Emeryville, City of Healdsburg, County of Hennepin, City of Los Angeles, County of Marin, "Martin Luther King, Jr. County", City of Menlo Park, City of Minneapolis, County of Monterey, Multnomah County, City of New Haven, City of Oakland, City of Pacifica, City of Palo Alto, City of Petaluma, Pierce County, City of Portland, City of Richmond, City of Rochester, City of Rohnert Park, City of Sacramento, City & County of San Francisco, City of San Diego, City of San José, San

¹³⁹ [Exec. Order No. 14287](#), 90 Fed. Reg. 18761 (Apr. 28, 2025).

¹⁴⁰ [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)) at 2-3; [Further Order Regarding Preliminary Injunction](#) (May 3, 2025) ([Docket #126](#)); [Order Clarifying Preliminary Injunction](#) (May 9, 2026) ([Docket #136](#)); [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 4.

Mateo County, County of Santa Clara, City of Santa Cruz, City of Santa Fe, City of Santa Rosa, City of Seattle, County of Sonoma, City of St. Paul, City of Watsonville, City of Wilsonville.¹⁴¹

b. Award/NOFO Conditions Impacting Both DOJ Office for Victims of Crime (OVC) and Office of Justice Programs (OJP) Grantees

1. What is the challenged DOJ award condition?

Limiting Legal Services for “Unlawfully Present” Individuals

DOJ Financial Guide “Legal Services for Aliens” - “[C]osts of providing legal services (that is, professional services of the kind lawfully provided only by individuals licensed to practice law) to any removable alien (see 8 U.S.C. § 1229a(e)(2)) or any alien otherwise unlawfully present in the United States are disallowed and may not be charged against the award.”

“[C]osts for legal services disallowed under the preceding sentence do not include costs for legal services”:

(1) to obtain protection orders for victims of crime (including associated or related orders (e.g., custody orders), arising from the victimization); (2) that are associated with or relate to actions under 18 U.S.C. ch. 77 (peonage, slavery, and trafficking in persons); (3) to obtain T-visas, U-visas, or “continued presence” immigration status (see, e.g., 8 U.S.C. § 1101(a)(15)(T) & (U); 22 U.S.C. § 7105(c)(3)(A)); or (4) as to which such disallowance would contravene any express requirement of any law, or of any judicial ruling, governing or applicable to the award.”¹⁴²

Both OVW and OJP have included this award condition in their 2025 NOFOs.

What is the status of this challenged DOJ condition?

OVC: DOJ entered a stipulation¹⁴³ that this condition does not apply to grants under VOCA Victim Assistance formula program because a regulation requires services under those grants to be made without regard to immigration status.¹⁴⁴ It states that: “Accordingly, the Department of Justice agrees that, to the extent costs for legal services are incurred under VOCA Victim Assistance grants or grants made under VAWA, on behalf of any removable alien (see 8 U.S.C. § 1229a(e)(2)), or any alien otherwise unlawfully present in the United States, the costs of such services will not be disallowed pursuant to the Legal

¹⁴¹ [City & County of San Francisco v. Trump](#), No. 25-cv-01350-WHO (N.D. Cal. Apr. 24, 2025), [Order Granting Preliminary Injunction](#) (Apr. 24, 2025) ([Docket #111](#)) at 5-6; [Further Order Regarding Preliminary Injunction](#) (May 3, 2025) ([Docket #126](#)); [Order Clarifying Preliminary Injunction](#) (May 9, 2026) ([Docket #136](#)); [Order Granting Second Motion for Preliminary Injunction and Ruling on Propriety of HUD Continuum of Care and Formula Grant Conditions](#) (Aug. 22, 2025) ([Docket #225](#)) at 1-2.

¹⁴² U.S. Department of Justice, [DOJ Grants Financial Guide](#) (last updated Dec. 2025), Ch. 3.13.

¹⁴³ “Stipulation” is an [agreement or arrangement](#) between parties, acknowledged and accepted by the Court.

¹⁴⁴ [New York v. DOJ](#), No. 1:25-cv-00499 (D.R.I. Nov. 24, 2025), [Joint Motion to Dismiss the Complaint without Prejudice Subject to the Terms of the Parties' Stipulation](#) (Nov. 24, 2025) ([Docket #39](#)) at 3-4; [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [DOJ Letter to Plaintiffs](#) (Nov. 19, 2025) ([Docket #42](#)); [Memorandum and Order re Plaintiff's Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

Services of Aliens provision because “such disallowance would contravene [the] express requirement of those regulations, which have the force of law¹ and are “applicable to the award.” Grants Guide, Ch. 3.13.¹⁴⁵

Importantly this stipulation **does not** apply to any other OVC or OJP programs.

OVW: DOJ entered a stipulation¹⁴⁶ that this condition does not apply to any grant programs under the Violence Against Women Act because a regulation requires services under those grants to be made without regard to immigration status.¹⁴⁷

c. Challenged Award/NOFO Conditions Impacting Only DOJ OJP

1. What is the challenged condition?

“Immigration Enforcement Condition”

“Any program or activity that, directly or indirectly, violates (or promotes or facilitates the violation of) federal immigration law (including 8 U.S.C. § 1373) or impedes or hinders the enforcement of federal immigration law—including by failing to comply with 8 U.S.C. § 1373, give access to DHS agents, or honor DHS requests and provide requested notice to DHS agents” is “out of the program scope and will not be funded.”¹⁴⁸ (This language was imposed on all 2025 NOFOs issued through the Office of Justice Programs).

What is the status of the challenged DOJ OVC award condition?

a. OJP, Office for Victims of Crime, Human Trafficking - Services for Victims of Human Trafficking NOFO [ONLY]:

The U.S. District Court for the Northern District of Illinois has stayed “OVC’s decision to include the . . . NOFO immigration . . . condition” in its Services for Victims of Human Trafficking NOFO.¹⁴⁹ For now, therefore, OVC is enjoined from including this condition in its Services for Victims of Human Trafficking NOFOs.

¹⁴⁵ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [DOJ Letter to Plaintiffs](#) (Nov. 19, 2025) ([Docket #42](#)); [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹⁴⁶ “Stipulation” is defined as an [agreement or arrangement](#) between parties, acknowledged and accepted by the Court.

¹⁴⁷ [New York v. DOJ](#), No. 1:25-cv-00499 (D.R.I. Nov. 24, 2025), [Joint Motion to Dismiss the Complaint without Prejudice Subject to the Terms of the Parties’ Stipulation](#) (Nov. 24, 2025) ([Docket #39](#)) at 3-4; [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [DOJ Letter to Plaintiffs](#) (Nov. 19, 2025) ([Docket #42](#)); [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27; [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹⁴⁸ [New Jersey v. DOJ](#), No. 1:25-cv-00404 (D.R.I. Aug. 14, 2025); [Freedom Network v. Trump](#), No. 1:25-cv-12419 (N.D. Ill. Mar. 23, 2026), [Preliminary Injunction Memorandum and Order](#) (Mar. 23, 2026) ([Docket #88](#)) at 6-7.

¹⁴⁹ [Freedom Network v. Trump](#), No. 1:25-cv-12419 (N.D. Ill. Mar. 23, 2026), [Preliminary Injunction Memorandum and Order](#) (Mar. 23, 2026) ([Docket #88](#)) at 52.

b. Specific Plaintiff States

Additionally, for now, pursuant to a request by both parties, the U.S. District Court of Rhode Island entered a stipulation in [State of New Jersey v. United States Department of Justice](#) in which DOJ agreed not to apply this “Challenged Provision, or any substantially similar provision to any [2025 awards issued to Plaintiff states] by any other means, including, but not limited to, by, adding language to the DOJ Grants Financial Guide that would apply the substance of the Challenged Provision or of a substantially similar provision to these awards”¹⁵⁰ to plaintiff states listed below.

Plaintiff states are: State of New York, State of Colorado, State of Illinois, State of Rhode Island, State of Arizona, State of California, District of Columbia, State of Connecticut, State of Delaware, State of Maine, State of Maryland, Commonwealth of Massachusetts, State of Michigan, State of Minnesota, State of Nevada, State of New Jersey, State of New Mexico, State of Oregon, State of Vermont, State of Washington, State of Wisconsin.¹⁵¹

2. What is the DOJ OVC challenged condition?

“Immigrant Exclusion”

In 2026, OVC applied a new award condition on 2025 awards without prior notice to applicants during the NOFO and application phase. In order to accept the OVC funding, applicants must agree that “[t]he recipient shall ensure that no funds provided under this award (or any subaward, at any tier) will be used to provide benefits or services to any removable alien (see 8 U.S.C. § 1229a(e)(2)) or any alien otherwise unlawfully present in the United States, but this prohibition shall not apply where such use is expressly authorized by law (or otherwise expressly allowable under the terms of this award) or where the prohibition would contravene any express requirement of any law, or of any judicial ruling, governing or applicable to the award.”¹⁵²

DOJ has only imposed this award condition on certain OVC 2025 awards (issued in 2026).

What is the status of the challenged DOJ OVC condition?

The U.S. District Court for the District of Rhode Island has stayed the condition,¹⁵³

¹⁵⁰ [New Jersey v. DOJ](#), No. 1:25-cv-00404 (D.R.I. Aug. 14, 2025), [Stipulation](#) (Feb. 12, 2026) ([Docket #45](#)) at 1-4.

¹⁵¹ [New Jersey v. DOJ](#), No. 1:25-cv-00404 (D.R.I. Aug. 14, 2025).

¹⁵² [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Second Amended Complaint](#) (Feb. 20, 2026) ([Docket #62](#)) & [Plaintiff's Motion for Preliminary Relief Under 5 U.S.C. § 705 for Temporary Restraining Order, and for Preliminary Injunction](#) (Feb. 20, 2026) ([Docket #53](#)); [Memorandum and Order re Plaintiff's Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹⁵³ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order Granting Plaintiff's Motion for Preliminary Relief Under 5 U.S.C. § 705](#) (April 17, 2026) ([Docket #63](#)); [Memorandum and Order re Plaintiff's Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

d. Challenged Award/NOFO Conditions Impacting DOJ OVW Only

1. What is the challenged DOJ OVW award condition?

“Promoting Violation of Federal Immigration Law”

OVW applied the following condition to its 2025 NOFOs: “Promoting or facilitating the violation of federal immigration law” is an out-of-scope activity, and applicants must certify that they will not use grant funds to engage in such activity.¹⁵⁴

What is the status of the challenged DOJ OVW award condition?

The U.S. District Court for the District Rhode Island stayed this condition on all OVW FY 2025 grants. The Court stated that it “finds that it is necessary and appropriate, for now, to grant the [plaintiffs’] request for a preliminary stay of the challenged conditions on all FY 2025 grants,” including this immigration-related condition.¹⁵⁵

2. What is the challenged DOJ OVW award condition?

“Cooperation with Immigration Enforcement”

OVW applied the following condition to its 2025 NOFOs: “Programs that discourage collaboration with law enforcement or oppose or limit the role of police, prosecutors, or immigration enforcement in addressing violence against women” is an out-of-scope activity, and applicants must certify that they will not use grant funds to engage in such activity.¹⁵⁶

What is the status of the challenged DOJ OVW award condition?

The U.S. District Court for the District Rhode Island stayed this condition on all OVW FY 2025 grants. The Court stated that it “finds that it is necessary and appropriate, for now, to grant the [plaintiffs’] request for a preliminary stay of the challenged conditions on all FY 2025 grants,” including this immigration-related condition.¹⁵⁷

¹⁵⁴ See, e.g., Office on Violence Against Women FY 2025 [Grants to Enhance Community-based Services for Survivors of Domestic Violence, Dating Violence, Sexual Assault, and Stalking](#) Program (Aug. 1, 2025) at 12.

¹⁵⁵ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Complaint](#) (June 16, 2025) ([Docket #1](#)) & [Amended Complaint](#) (Nov. 19, 2025) ([Docket #41](#)); [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 6; [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹⁵⁶ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Complaint](#) (June 16, 2025) ([Docket #1](#)) & [Amended Complaint](#) (Nov. 19, 2025) ([Docket #41](#)); [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 6; [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹⁵⁷ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 6; [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17,

3. What is the challenged DOJ OVW award condition?

“Immigration Priority Condition”

OVW applied the following condition to its 2025 NOFOs: “Initiatives that prioritize illegal aliens over U.S. citizens and legal residents in receiving victim services and support” are out-of-scope activities, and applicants must certify that they will not use grant funds to engage in such activities.¹⁵⁸

What is the status of the challenged DOJ OVW award condition?

The U.S. District Court for the District Rhode Island stayed this condition on all OVW FY 2025 grants. The Court stated that it “finds that it is necessary and appropriate, for now, to grant the [plaintiffs’] request for a preliminary stay of the challenged conditions on all FY 2025 grants,” including the immigration priority condition.¹⁵⁹ Accordingly, for now, OVW can not apply this condition.

2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹⁵⁸ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Complaint](#) (June 16, 2025) ([Docket #1](#)) & [Amended Complaint](#) (Nov. 19, 2025) ([Docket #41](#)); [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 6; [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹⁵⁹ [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 6; [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

U.S. Department of Health and Human Services (HHS)

In this chapter, users will find: (A) relevant agency policy, guidance, letters, and other grants-related documents relevant to conditions; and (B) an overview of challenged HHS award conditions and certification.

A. Agency Policies, Guidance Memos, & Other Grants-Related Guidance

- Health and Human Services
 - HHS Grants Policy Statement effective [October 1, 2025](#)
 - HHS Grants Policy Statement effective [April 16, 2025](#) (Archived)
 - HHS Grants Policy Statement effective [July 24, 2025](#) (Archived)
 - [Personal Responsibility and Work Opportunity Reconciliation Act of 1996 \(PRWORA\): Interpretation of ‘Federal Public Benefit’](#), 90 Fed. Reg. 31,232 (July 14, 2025)
- Administration for Children and Families (ACF)
 - [ACF FY25 Standard Terms and Conditions Effective May 9, 2025](#)
- Health Resources and Services Administration (HRSA)
 - [FY 2025 HRSA General Terms and Conditions](#) (July 25, 2025)
- Substance Abuse and Mental Health Administration (SAMHSA)
 - [SAMHSA FY25 Terms and Conditions](#)
 - [FY2025 SAMHSA NOFO Application Guide](#) (Apr. 9, 2025)
- Centers for Disease Control and Prevention (CDC)
 - [CDC General Terms and Conditions for Research Grants and Cooperative Agreements](#) (July 30, 2025)
 - [CDC General Terms and Conditions for Non-Research Grants and Cooperative Agreements](#) (July 30, 2025)

B. Challenged Award Conditions, Certifications, and/or NOFOs

The below section provides an overview of HHS challenged award conditions.

i. Challenged Award Conditions by Topic:

This section lists challenged award conditions/certifications, identified by condition/certification topic, and organized in alphabetical order. For HHS, the challenged award conditions as of April 2026 include the following, organized by topic:

- [Coercing Compliance with Executive Orders](#)
- [Diversity, Equity, and Inclusion](#)
- [General Certification Compliance](#)
- [Gender Ideology](#)
- [Immigration](#)

Users may search among the information below by the condition/certification topic to see:

- The language of the specific award condition; and

- Information that will help users determine if HHS is permitted to impose the condition/certification on grantees versus if the condition/certification has been paused by a court.

Coercing Compliance with Executive Orders

Background

HHS has attempted to enforce compliance with all Executive Orders by imposing an award condition on grantees..

1. What are the award conditions?

HHS and its subagencies have included Executive Order Compliance conditions in general terms and conditions and NOFOs by using such language as:

“All activities proposed in your application and budget narrative must be in alignment with the current Executive Orders.”¹⁶⁰

“Recipients are required to comply with all applicable Executive Orders” (for SAMHSA grants)¹⁶¹

“[HHS] grant recipients must comply with . . . applicable Executive Orders.”¹⁶²

What is the status of challenges to these HHS conditions?

Courts have enjoined HHS from imposing conditions related to Executive Order Compliance as to specific grantees and their subgrantees.

For now, HHS and its subagencies are “enjoined” from “imposing or enforcing” Executive Order Compliance conditions “or any materially similar terms or conditions at any stage of the grant-making process, including but not limited to in new grant applications, notices of funding availability or opportunity, certifications, grant agreements, or post-award submissions, as to any HHS funds awarded, directly or indirectly.”¹⁶³ They also cannot require specified grantees or their subrecipients to “make any ‘certification’ or other representation related to compliance with such terms or conditions.”¹⁶⁴ The

¹⁶⁰ See, e.g., Substance Abuse and Mental Health Services Administration FY 2025 [Notice of Funding Opportunity \(NOFO\) Application Guide](#) (Apr. 9, 2025) at 31.

¹⁶¹ See, e.g., Substance Abuse and Mental Health Services Administration, [Fiscal Year \(FY\) 2025 Standard Terms and Conditions](#) at 5.

¹⁶² See, e.g., Centers for Disease Control and Prevention, [General Terms and Conditions for Research Grants and Cooperative Agreements](#) (July 30, 2025) at 1; Centers for Disease Control and Prevention, [General Terms and Conditions for Non-Research Grants and Cooperative Agreements](#) (July 30, 2025) at 1.

¹⁶³ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 40. Appeal pending - [County of King, et al. v. Turner, et. al.](#), No. 25-3664 (9th Cir. 2025)

¹⁶⁴ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 40. Appeal pending - [County of King, et al. v. Turner, et. al.](#), No. 25-3664 (9th Cir. 2025)

Executive Order Compliance condition and any related certification cannot be imposed on the following recipients and their subrecipients:

Counties: Alameda County, Dane County, Hennepin County, King County, Multnomah County, Pierce County, Pima County, Ramsey County, San Mateo County, Snohomish County, Allegheny County, PA; Delaware County, PA; Thurston County, WA, Marin County, CA; Monroe County, NY; Sacramento County, CA; San Diego County, CA.

Cities: Baltimore, Boston, Cambridge, Chicago, Columbus, Denver, Eugene, Milwaukee, Minneapolis, New York City, Oakland, Pacifica, Rochester, San Francisco, Santa Clara, Wilsonville, Berkeley, CA; Cincinnati, OH; Nashville, TN; New Haven, CT; Santa Fe, NM; Tucson, AZ, Alameda, CA; Eureka, CA; Fresno, CA; Redwood City, CA; Saint Paul, MN; South Lake Tahoe, CA.¹⁶⁵

As of September 23, 2025, another court enjoined HHS and its subagencies from “imposing or enforcing” the Executive Order Compliance condition “or any materially similar terms or conditions with respect to any grants awarded” to the following parties. The court also enjoined HHS and its subagencies from “requiring the Plaintiffs to make any ‘certification’ or other representation related to compliance with such terms or conditions.”¹⁶⁶ This order applies to the following recipients and their subrecipients:

Housing Authority of the City of Los Angeles, Housing Authority of the City and County of San Francisco, Housing Authority of Baltimore City, Home Forward, Housing Authority of the City of Salem, Housing Authority of the County of San Diego, Los Angeles County Development Authority, San Diego Housing Commission, Monroe County Airport Authority, County of San Diego, County of Marin, City of Redwood City, City of Alameda, County of Sacramento.¹⁶⁷

Diversity, Equity, and Inclusion

Background

HHS and its agencies—including the Administration for Children and Families (“ACF”), Health Resources and Services Administration (“HRSA”), National Institutes of Health (“NIH”), Substance Abuse and Mental Health Services Administration (“SAMHSA”), and the Centers for Disease Control and Prevention (“CDC”)—have attempted to impose new funding conditions, including so-called “DEI-related” conditions.

This section sets forth challenged DEI-Related Executive Orders and HHS policies impacting HHS applicants and/or grantees, and the status of challenges to HHS regarding these EOs and policies. As the U.S. District Court for the Western District of Washington noted: “At the start of 2025, President Trump issued several Executive Orders . . . articulating aims to shrink executive agencies and curb funding for diversity, equity, inclusion, and

¹⁶⁵ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 6-7; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 11-12, 14-15. Appeal pending - [County of King, et al. v. Turner, et. al](#), No. 25-3664 (9th Cir. 2025)

¹⁶⁶ [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Sep. 23, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 36.

¹⁶⁷ [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Sep. 23, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 5, 36.

accessibility . . . initiatives,”¹⁶⁸ “Following these E.O.’s., numerous [HHS] agency actions unfolded to implement the executive ‘DEIA Ban[.]’”¹⁶⁹ The relevant EOs and HHS policies are discussed below.

Additionally, as discussed in the following section, HHS has attempted to restrict certain diversity, equity, inclusion, and accessibility (“DEIA”) -related activities through imposing certification requirements and award conditions on grantees.”¹⁷⁰

1. What are the anti-diversity, equity, inclusion, and accessibility EOs?

- a. **Exec. Order No. 14151**, Ending Radical and Wasteful Government DEI Programs and Preferencing, (“January 29 Executive Order”): “[O]rders the termination of ‘all discriminatory programs, including illegal DEI and DEIA mandates, policies, programs, and activities in the Federal Government, under whatever name they appear,’ including all ‘equity’ related action plans, actions, initiatives, programs, or contracts and all DEI or DEIA employee, contractor, or grantee performance requirements.”¹⁷¹
- b. **Exec. Order No. 14173**: Ending Illegal Discrimination and Restoring Merit-Based Opportunity, (“January 21 Executive Order”): “[S]eeks to uphold anti-discrimination and civil rights laws by ending ‘[i]llegal DEI and DEIA policies’ that ‘undermine our national unity’ and ‘traditional American values[;]’ requires all grant awards recipients to agree to compliance of applicable Federal anti-discrimination laws and to not operate any programs promoting DEI that violate applicable Federal anti-discrimination laws; and orders ‘heads of all agencies’ to ‘take all appropriate action’ and ‘further inform’ the President’s administration on ‘measure to encourage the private sector to end illegal discrimination and preferences, including DEI.”¹⁷²

2. What are the challenged HHS diversity, equity, inclusion, and accessibility-related policies?

- a. **“March 14 DEI Letter”**: On March 14, 2025, the ACF issued a letter to Head Start recipients stating that it would “not approve the use of federal funding for any training and technical assistance (TTA) or other program expenditures that promote or take part in diversity, equity, and inclusion (DEI) initiatives.”¹⁷³

¹⁶⁸ [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program v. Trump](#), No. C25-781 (W.D. Wash. Jan. 6, 2026), [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#) (Jan. 6, 2026) ([Docket #141](#)) at 2.

¹⁶⁹ [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program v. Trump](#), No. C25-781 (W.D. Wash. Jan. 6, 2026), [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#) (Jan. 6, 2026) ([Docket #141](#)) at 3.

¹⁷⁰ [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program v. Trump](#), No. C25-781 (W.D. Wash. Jan. 6, 2026), [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#) (Jan. 6, 2026) ([Docket #141](#)) at 2.

¹⁷¹ [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program v. Trump](#), No. C25-781 (W.D. Wash. Jan. 6, 2026), [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#) (Jan. 6, 2026) ([Docket #141](#)) at 2 (citing 90 Fed. Reg. 8339, Sec. 2 (Jan. 29, 2025); [Defendants’ Opposition to Plaintiffs’ Motion for a Preliminary Injunction](#), ([Docket #59](#)) at 2.

¹⁷² [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program v. Trump](#), No. C25-781 (W.D. Wash. Jan. 6, 2026), [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#) (Jan. 6, 2026) ([Docket #141](#)) at 2 (citing 90 Fed. Reg. 8633, Sec. 1, Sec. 3(b)-(c), Sec. 4 (Jan. 31, 2025); [Defendants’ Opposition to Plaintiffs’ Motion for a Preliminary Injunction](#), ([Docket #59](#)) at 2.

¹⁷³ [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program v. Trump](#), No. C25-781 (W.D. Wash. Jan. 6, 2026), [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#) (Jan. 6, 2026) ([Docket #141](#)) at 3.

- b. [HHS Grants Policy Statement Effective April 16, 2025](#): “HHS amended its Grant Policy Statement, adding a “Civil Rights Assurance[.]”¹⁷⁴ that provides:

“The recipient must ensure that subrecipients and contractors have filed the [Assurance of Compliance Form HHS 690].”

“Additionally, recipients must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of [False claims Act] 31 U.S.C. § 372(b)(4).”

“(1) Definitions. As used in this clause – (a) DEI means ‘diversity, equity, and inclusion.’ (b) DEIA means ‘diversity, equity, inclusion, and accessibility.’ (c) Discriminatory equity ideology has the meaning set forth in Section 2(b) of Executive Order 14190 of January 29, 2025. (d) Discriminatory prohibited boycott means refusing to deal, cutting commercial relations, or otherwise limiting commercial relations specifically with Israeli companies or with companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of Israel to do business. (e) Federal anti-discrimination laws means Federal civil rights law that protect individual Americans from discrimination on the basis of race, color, sex, religion, and national origin.”

“(2) Grant award certification. (a) By 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 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. (3) HHS 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-discriminatory laws or engages in prohibited boycott.”¹⁷⁵

- c. [HHS Grants Policy Statement Effective July 24, 2025](#): HHS subsequently revised this provision of the HHS Grants Policy Statement “that no longer contains the anti-DEIA from the April 16 [Grants Policy Statement.]”¹⁷⁶

“The recipient must ensure that subrecipients and contractors have filed the [Assurance of Compliance Form HHS 690].

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. Recipients are responsible for ensuring subrecipients, contractors, and partners also comply.”¹⁷⁷

¹⁷⁴ [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program v. Trump](#), No. C25-781 (W.D. Wash. Jan. 6, 2026), [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#) (Jan. 6, 2026) ([Docket #141](#)) at 3 (U.S. Department of Health and Human Services [Grants Policy Statement](#), Effective April 16, 2025 at pp. 18-19).

¹⁷⁵ U.S. Department of Health and Human Services [Grants Policy Statement](#), Effective April 16, 2025 at pp. 18-19.

¹⁷⁶ [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program v. Trump](#), No. C25-781 (W.D. Wash. Aug. 8, 2025), [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#) (Aug. 8, 2025) ([Docket #95](#)) at 3.

¹⁷⁷ U.S. Department of Health and Human Services [Grants Policy Statement](#), Effective July 24, 2025 at 18-19.

- d. [HHS Grants Policy Statement Effective October 1, 2025](#): This HHS Grants Policy Statement states:

“Domestic recipients, subrecipients, and contractors must file Form HHS 690, Assurance of Compliance] once with the HHS Office for Civil Rights (OCR) . . . The recipient must ensure that subrecipients and contractors have filed the form. 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. Recipients are responsible for ensuring subrecipients, contractors, and partners also comply”¹⁷⁸

What is the status of challenges to these anti-DEI EO’s and related HHS policies?

- a. The U.S. District Court for the Western District of Washington has “postponed” the “effective dates of the ‘DEIA ban’ ...[pursuant] to 5 U.S.C. § 705.¹⁷⁹ For the purposes of this 705 stay, the “DEIA ban” consists of: (1) the March 14 DEI Letter (see above); (2) HHS April 16, 2025 amended Grant Policy Statement (“see above”).”¹⁸⁰ This means that generally the HHS policies are “not effective” and HHS cannot enforce them.
- b. Regarding “any Head Start agencies, program providers, student or family participants, or other similar persons or entities,” HHS is enjoined from:
- a. “Enforcing and/or implementing any portion of the DEI Letter of DEIA Certification, all agency-wide directives implementing or effectuating the DEIA ban, and any changes made pursuant to the DEIA ban, or otherwise similar actions that enforce or implement [the January 29 and January 31 EOs] against any Head Start agencies, program providers, student or family participants, or other similar persons or entities, including by:
1. Pausing, freezing, impeding, blocking, canceling, terminating, delaying, withholding, or conditioning any grants or obligations to Head Start agencies for any reasons other than those specifically enumerated by the Head Start Act or its implementing regulations;
 2. Requiring any Head Start agency to make “certifications” or other representations pursuant to the DEIA Certification or other similar requirement;
 3. Modifying, or requiring Head Start agencies to modify, the terms of any federal grants to comply with the DEIA ban, or adding/ or requiring Head Start

¹⁷⁸ [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program v. Trump](#), No. C25-781 (W.D. Wash. Jan. 6, 2026), [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#) (Jan. 6, 2026) ([Docket #141](#)) at 25.

¹⁷⁹ [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program v. Trump](#), No. C25-781 (W.D. Wash. Jan. 6, 2026), [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#) (Jan. 6, 2026) ([Docket #141](#)) at 25.

¹⁸⁰ [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program v. Trump](#), No. C25-781 (W.D. Wash. Aug. 8, 2025), [Order on Plaintiffs’ Motions for Temporary Restraining Order and Preliminary Injunction](#) (Aug. 8, 2025) ([Docket #95](#)) at 1-2 (“The ‘DEIA ban’ consists of...[the March 14 DEI letter]...the April 16, 2025 amended Grants Policy Statement...[President Trump’s January 29, Executive Order]...and [President Trump’s January 31, 2025 Executive Order]”); [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#) (Jan. 6, 2026) ([Docket #141](#)) at 15 (“The Court specified that the DEIA ban, consisting of the March 14 DEI Letter and the DEAI certification requirement, is final agency action.”).

agencies to add any terms to forthcoming grants predicated on the DEIA ban or similar language;

4. Bringing any False Claims Act or other enforcement action pursuant to the DEIA Certification; or
5. Any actions to further implement the mass cuts, layoff, and officer closures undertaken in accordance with the above Executive Orders, the March 27, 2025 Directive, and/or the April 3, 2025 e-mail or otherwise, including but not limited to: execution of any existing reduction in force notices, including final separation of employees, issuance of any further existing reduction in force notices, and/or placement of employees on administrative leave.”¹⁸¹

3. What are the HHS anti-DEI certification requirements?

April 16, 2025 Grant award certification¹⁸² and HHS subsequent amendments to the certification states:¹⁸³

“Additionally, recipients must comply with all applicable Federal anti-discrimination laws material to the government’s payment decisions for purposes of [False claims Act] 31 U.S.C. § 372(b)(4).”

“(1) Definitions. As used in this clause – (a) DEI means ‘diversity, equity, and inclusion.’ (b) DEIA means ‘diversity, equity, inclusion, and accessibility.’ (c) Discriminatory equity ideology has the meaning set forth in Section 2(b) of Executive Order 14190 of January 29, 2025. (d) Discriminatory prohibited boycott means refusing to deal, cutting commercial relations, or otherwise limiting commercial relations specifically with Israeli companies or with companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of Israel to do business. (e) Federal anti-discrimination laws means Federal civil rights law that protect individual Americans from discrimination on the basis of race, color, sex, religion, and national origin.”

“(2) Grant award certification. (a) By 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 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. (3) HHS reserves the right to terminate financial assistance awards and claw back all

¹⁸¹ [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program v. Trump](#), No. C25-781 (W.D. Wash. Jan. 6, 2026), [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#) (Jan. 6, 2026) ([Docket #141](#)) at 9.

¹⁸² U.S. Department of Health and Human Services [Grants Policy Statement](#), Effective April 16, 2025 at pp. 18-19.

¹⁸³ [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program v. Trump](#), No. C25-781 (W.D. Wash. Jan. 6, 2026), [Order Granting Plaintiffs’ Motion for Preliminary Injunction](#) (Jan. 6, 2026) ([Docket #141](#)) at 25; *read with* [Order on Plaintiffs’ Motions for Temporary Restraining Order and Preliminary Injunction](#) (Aug. 8, 2025) ([Docket #95](#)) at 1-2 (“The ‘DEIA ban’ consists of...[the March 14 DEI letter]...the April 16, 2025 amended Grants Policy Statement...[President Trump’s January 29, Executive Order]...and [President Trump’s January 31, 2025 Executive Order]”); and [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff’s Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 48-49 (“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. Recipients are responsible for ensuring subrecipients, contractors, and partners also comply.”). This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

funds if the recipients, during the term of this award, operate any program in violation of Federal anti-discriminatory laws or engages in prohibited boycott.”¹⁸⁴

What is the status of challenges to these HHS anti-DEIA certifications?

The U.S. District Court for the Western District of Washington has determined that the “effective dates of” HHS DEIA ban is “postponed” pursuant to 5 U.S.C. § 705.¹⁸⁵ This includes the “DEIA certification requirement”¹⁸⁶ Accordingly, for now, as a general matter HHS may not enforce the DEIA certification requirement against any grantee or grant applicant.

In a separate case, for now, the U.S. District Court for the Western District of Washington has enjoined HHS from “imposing or enforcing”¹⁸⁷ this certification “to the HHS Plaintiffs or their subrecipients,” which are listed below:¹⁸⁸

Counties: Alameda County, Dane County, Hennepin County, King County, Multnomah County, Pierce County, Pima County, Ramsey County, San Mateo County, Snohomish County, Allegheny County, PA; Delaware County, PA; Thurston County, WA, Marin County, CA; Monroe County, NY; Sacramento County, CA; San Diego County, CA.

Cities: Baltimore, Boston, Cambridge, Chicago, Columbus, Denver, Eugene, Milwaukee, Minneapolis, New York City, Oakland, Pacifica, Rochester, San Francisco, Santa Clara, Wilsonville, Berkeley, CA; Cincinnati, OH; Nashville, TN; New Haven, CT; Santa Fe, NM; Tucson, AZ, Alameda, CA; Eureka, CA; Fresno, CA; Redwood City, CA; Saint Paul, MN; South Lake Tahoe, CA.¹⁸⁹

In a different case the U.S. District Court for the Northern District of California has “enjoined” HHS from “imposing or enforcing” this certification to the Plaintiffs in this case, list below:¹⁹⁰

¹⁸⁴ U.S. Department of Health and Human Services [Grants Policy Statement](#), Effective April 16, 2025 at pp. 18-19.

¹⁸⁵ [Washington State Ass'n of Head Start & Early Childhood Assistance & Education Program v. Trump](#), No. C25-781 (W.D. Wash. Jan. 6, 2026), [Order Granting Plaintiffs' Motion for Preliminary Injunction](#) (Jan. 6, 2026) ([Docket #141](#)) at 25.

¹⁸⁶ [Washington State Ass'n of Head Start & Early Childhood Assistance & Education Program v. Trump](#), No. C25-781 (W.D. Wash. Jan. 6, 2026), [Order Granting Plaintiffs' Motion for Preliminary Injunction](#) (Jan. 6, 2026) ([Docket #141](#)) at 15, 25 (“The Court specified that the DEIA ban, consisting of the March 14 DEI Letter and the DEIA certification requirement, is final agency action.”); *read with* [Order re: Plaintiffs' Motions for Temporary Restraining Order and Preliminary Injunction](#) (Aug. 8, 2025) ([Docket #95](#)) at 1-2 (“The ‘DEIA ban’ consists of...[the March 14 DEI letter]...the April 16, 2025 amended Grants Policy Statement...[President Trump's January 29, Executive Order]...and [President Trump's January 31, 2025 Executive Order]”).

¹⁸⁷ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 40. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

¹⁸⁸ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 40, 48. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

¹⁸⁹ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 6-7; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 11-12, 14-15. This case is on appeal, opinion pending - [County of King, et al. v. Turner, et. al. No. 25-3664 \(9th Cir. 2025\)](#)

¹⁹⁰ [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Sep. 23, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 5, 36.

Housing Authority of the City of Los Angeles, Housing Authority of the City and County of San Francisco, Housing Authority of Baltimore City, Home Forward, Housing Authority of the City of Salem, Housing Authority of the County of San Diego, Los Angeles County Development Authority, San Diego Housing Commission, Monroe County Airport Authority, County of San Diego, County of Marin, City of Redwood City, City of Alameda, County of Sacramento¹⁹¹

Finally, regarding the HHS [ACF Standard Terms and Conditions Effective May 9, 2025](#), ACF has clarified that its certification in the May 9, 2025 version of its Standard Terms is no longer in effect. On July 29, 2025, ACF updated its Standard Terms and Conditions to remove the “Civil Rights Assurance” term and condition. ACF has stipulated that the above civil rights assurance term and condition “does not apply to any ACF awards, including but not limited to: (1) awards made between May 8, 2025, and July 29, 2025; (2) awards that recipients accepted (by drawing funds or otherwise) between May 8, 2025, and July 29, 2025; (3) subawards on awards administered by ACF; and (4) awards of Family Violence Prevention and Services Act funds passed from ACF to grantees through state administrators.”¹⁹²

General Certification Compliance

Background & Certification Prohibition

For now, at least two courts have enjoined HHS from “requiring the [named] Plaintiffs [in the respective cases, detailed below] . . . to make any ‘certification’ or other representation related to compliance with [HHS’] terms or conditions.”¹⁹³

The U.S. District Court for the Western District of Washington determined that HHS may not impose any further certification requirements on the following plaintiffs:

Counties: Alameda County, Dane County, Hennepin County, King County, Multnomah County, Pierce County, Pima County, Ramsey County, San Mateo County, Snohomish County, Allegheny County, PA; Delaware County, PA; Thurston County, WA, Marin County, CA; Monroe County, NY; Sacramento County, CA; San Diego County, CA.

Cities: Baltimore, Boston, Cambridge, Chicago, Columbus, Denver, Eugene, Milwaukee, Minneapolis, New York City, Oakland, Pacifica, Rochester, San Francisco, Santa Clara, Wilsonville, Berkeley, CA;

¹⁹¹ [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Sep. 23, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 5, 36.

¹⁹² [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Aug. 8, 2025), [Stipulation](#) (Aug. 8, 2025) ([Docket #39](#)) at 2; [Rhode Island Coalition Against Domestic Violence v. Blanche](#), No. 1:25-cv-00279 (D.R.I. June 16, 2025), [Memorandum and Order](#) (Aug. 8, 2025) ([Docket #34](#)) at 26-27; [Memorandum and Order re Plaintiff’s Emergency Motion for Stay](#) (April 17, 2026) (Docket # 63) (Parties are currently litigating the scope of the stayed conditions and whether it applies to all OJP programs, or just VOCA Victims Assistance, VOCA services for victims, and Pet Shelter grants).

¹⁹³ [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Sep. 23, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 36 (enjoining, for now, HUD from “requiring the Plaintiffs to make any ‘certification’ or other representation related to compliance with such terms for conditions.”).

Cincinnati, OH; Nashville, TN; New Haven, CT; Santa Fe, NM; Tucson, AZ, Alameda, CA; Eureka, CA; Fresno, CA; Redwood City, CA; Saint Paul, MN; South Lake Tahoe, CA.¹⁹⁴

The District Court for Northern District of California determined that, for now, HHS may not impose any further certification requirements on the following Plaintiffs:

Housing Authority of the City of Los Angeles, Housing Authority of the City and County of San Francisco, Housing Authority of Baltimore City, Home Forward, Housing Authority of the City of Salem, Housing Authority of the County of San Diego, Los Angeles County Development Authority, San Diego Housing Commission, Monroe County Airport Authority, County of San Diego, County of Marin, City of Redwood City, City of Alameda, County of Sacramento.¹⁹⁵

Gender Ideology

Background

HHS has attempted to restrict certain gender-related activities by imposing an award on grantees and subgrantees.

1. What is the award condition?

Title IX Certification Requirement in the October 1, 2025 HHS Grants Policy Statement¹⁹⁶ and as incorporated in the ACF Fiscal Year 2025 Standard Terms and Conditions,¹⁹⁷ HRSA Fiscal Year 2025 General Terms and Conditions¹⁹⁸ and the SAMHSA Fiscal Year 2025 Standard Terms and Conditions¹⁹⁹:

By accepting this award, including the obligation, expenditure, or drawdown of award funds, recipients, whose programs, are covered by Title IX certify as follows:

Recipient is compliant with Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq., including the requirements set forth in Presidential Executive Order 14168 titled Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government, and 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.

The above requirements are conditions of payment that go [to] the essence of the Agreement and are therefore material terms of the Agreement.

¹⁹⁴ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 6-7; [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 11-12, 14-15. Appeal pending - [County of King, et al. v. Turner, et. al](#), No. 25-3664 (9th Cir. 2025)

¹⁹⁵ [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Sep. 23, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 5, 36.

¹⁹⁶ U.S. Department of Health and Human Services [Grants Policy Statement](#), Revised October 1, 2025.

¹⁹⁷ Administration for Children and Families FY25 [Standard Terms and Conditions](#) at 6, Published May 8, 2025.

¹⁹⁸ Health Resources and Services Administration FY25 [General Terms and Conditions](#) at 4, Published May 14, 2025, Updated Sep. 30, 2025.

¹⁹⁹ Substance Abuse and Mental Health Services Administration, FY25 [Standard Terms and Conditions](#) at 8.

Payments 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.

Recipient 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.

Recipient 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.

What is the status of challenges to these HHS conditions and certifications?

The U.S. District Court for the District of Rhode Island “preliminarily set[] aside” the Title IX Certification requirement, including as it has been incorporated in the following policies:

- The HHS Office of Grants Directive directing all HHS grant-awarding agencies to insert the Title IX Certification requirement in Notices of Awards,
- The October 1, 2025 HHS Grants Policy Statement,
- The ACF Standard Terms and Conditions,
- The HRSA General Terms and Conditions, and
- The SAMHSA Fiscal Year 2025 Standard Terms and Conditions”²⁰⁰

The court also enjoined HHS, ACF, HRSA, CDC, SAMHSA and any “other person in active concert or participation with those parties” from requiring any recipient or subrecipient to agree to, from enforcing, and from otherwise implementing the above requirement “or any substantially similar” requirement.²⁰¹

In addition, other courts have enjoined the implementation of the above conditions as applied to specific grantees and their subgrantees.

As of August 12, 2025, HHS and its subagencies are “enjoined” from “imposing or enforcing” the Title IX Certification Requirement “or any materially similar terms or conditions at any stage of the grant-making process, including but not limited to in new grant applications, notices of funding availability or opportunity, certifications, grant agreements, or post-award submissions, as to any HHS funds awarded, directly or indirectly.” They also cannot require specified grantees or their subrecipients to “make any ‘certification’ or other representation related to compliance with such terms or conditions.”²⁰²

²⁰⁰ [Rhode Island Coalition Against Domestic Violence v. Kennedy](#), No. 1:25-cv-00342 (D.R.I. Oct. 23, 2025), [Amended Memorandum and Order](#) (Oct. 23, 2025) ([Docket #77](#)) at 32-33.

²⁰¹ *Id.*

²⁰² [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 40. Appeal pending - [County of King, et al. v. Turner, et. al.](#), No. 25-3664 (9th Cir. 2025)

The Title IX Certification Requirement and any related certification cannot be imposed on the following recipients and their subrecipients:

Counties: Alameda County, Dane County, Hennepin County, King County, Multnomah County, Pierce County, Pima County, Ramsey County, San Mateo County, Snohomish County.

Cities: Baltimore, Boston, Cambridge, Chicago, Columbus, Denver, Eugene, Milwaukee, Minneapolis, New York City, Oakland, Pacifica, Rochester, San Francisco, Santa Clara, Wilsonville.²⁰³

As of January 21, 2026, the court extended its injunction to include the following additional recipients and their subrecipients:

Counties: Allegheny County, PA; Delaware County, PA; Thurston County, WA.

Cities: Berkeley, CA; Cincinnati, OH; Nashville, TN; New Haven, CT; Santa Fe, NM; Tucson, AZ.²⁰⁴

As of September 23, 2025, another court enjoined HHS and its subagencies from “imposing or enforcing” the Title IX Certification Requirement “or any materially similar terms or conditions with respect to any grants awarded” to the following parties. The court also enjoined HHS and its subagencies from “requiring the Plaintiffs to make any ‘certification’ or other representation related to compliance with such terms or conditions.”²⁰⁵ This order applies to the following recipients and their subrecipients:

Counties: Marin County, CA; Monroe County, NY; Monroe County Airport Authority; Sacramento County, CA; San Diego County, CA.

Cities: Alameda, CA; Eureka, CA; Fresno, CA; Redwood City, CA; Saint Paul, MN; South Lake Tahoe, CA.²⁰⁶

Immigration

Background

HHS has attempted to restrict certain services from being provided to non-U.S. citizens through imposing award conditions on grantees.

1. What is the challenged condition or issue?

Two immigration-related conditions/issues have been challenged.

²⁰³ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 6-7.

²⁰⁴ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Jan. 21, 2026), [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 11-12, 14-15. Appeal pending - [County of King, et al. v. Turner, et. al](#), No. 25-3664 (9th Cir. 2025)

²⁰⁵ [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Sep. 23, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 36.

²⁰⁶ *Id.*

- a. **Immigration Enforcement Condition & Certification:** HHS has included the following immigration enforcement condition in various program NOFOs:

“Funds cannot be used to support or provide services, either directly or indirectly, to removable or illegal aliens.”²⁰⁷

What is the status of challenges to this HHS condition?

Courts have, for the moment, enjoined HHS from imposing the above condition and requiring any related certifications as to specific grantees and their subgrantees.

As of August 12, 2025, HHS and its subagencies are “enjoined” from “imposing or enforcing” the Immigration Enforcement Condition “or any materially similar terms or conditions at any stage of the grant-making process, including but not limited to in new grant applications, notices of funding availability or opportunity, certifications, grant agreements, or post-award submissions, as to any HHS funds awarded, directly or indirectly.”²⁰⁸ They also cannot require specified grantees or their subrecipients to “make any ‘certification’ or other representation related to compliance with such terms or conditions.”²⁰⁹ The Immigration Enforcement Condition and any related certification cannot be imposed on the following recipients and their subrecipients:

Counties: Alameda County, Dane County, Hennepin County, King County, Multnomah County, Pierce County, Pima County, Ramsey County, San Mateo County, Snohomish County.

Cities: Baltimore, Boston, Cambridge, Chicago, Columbus, Denver, Eugene, Milwaukee, Minneapolis, New York City, Oakland, Pacifica, Rochester, San Francisco, Santa Clara, Wilsonville.²¹⁰

As of January 21, 2026, the court extended its injunction to include the following additional recipients and their subrecipients:

Counties: Allegheny County, PA; Delaware County, PA; Thurston County, WA.

²⁰⁷ See, e.g., Substance Abuse and Mental Health Services Administration (SAMHSA) FY25 [Notice of Funding Opportunity \(NOFO\) Application Guide](#), at 31 (Apr. 9, 2025).

²⁰⁸ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 40. Appeal pending - [County of King, et al. v. Turner, et. al.](#), No. 25-3664 (9th Cir. 2025). Appeal pending - [County of King, et al. v. Turner, et. al.](#), No. 25-3664 (9th Cir. 2025)

²⁰⁹ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 40. Appeal pending - [County of King, et al. v. Turner, et. al.](#), No. 25-3664 (9th Cir. 2025). Appeal pending - [County of King, et al. v. Turner, et. al.](#), No. 25-3664 (9th Cir. 2025)

²¹⁰ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Aug. 12, 2025), [Order Granting Plaintiff's Third Motion for Preliminary Injunction](#) (Aug. 12, 2025) ([Docket #338](#)) at 6-7. Appeal pending - [County of King, et al. v. Turner, et. al.](#), No. 25-3664 (9th Cir. 2025). Appeal pending - [County of King, et al. v. Turner, et. al.](#), No. 25-3664 (9th Cir. 2025)

Cities: Berkeley, CA; Cincinnati, OH; Nashville, TN; New Haven, CT; Santa Fe, NM; Tucson, AZ.²¹¹

As of September 23, 2025, another court enjoined HHS and its subagencies from “imposing or enforcing” the Immigration Enforcement Condition “or any materially similar terms or conditions with respect to any grants awarded” to the following parties. The court also enjoined HHS and its subagencies from “requiring the Plaintiffs to make any ‘certification’ or other representation related to compliance with such terms or conditions.”²¹² This order applies to the following recipients and their subrecipients:

Counties: Marin County, CA; Monroe County, NY; Monroe County Airport Authority; Sacramento County, CA; San Diego County, CA.

Cities: Alameda, CA; Eureka, CA; Fresno, CA; Redwood City, CA; Saint Paul, MN; South Lake Tahoe, CA.²¹³

b. Personal Responsibility and Work Opportunity Reconciliation Act of 1996

On July 14, 2025, HHS published a Notice in the Federal Register, “[Personal Responsibility and Work Opportunity Reconciliation Act of 1996 \(PRWORA\): Interpretation of ‘Federal Public Benefit’](#),”²¹⁴ which tried to prevent undocumented individuals from accessing public benefits and require immigration status verification for access to a broad array of federally funded services. It also deemed the following 13 programs newly subject to PRWORA:

Title X Family Planning Program; Head Start; Title IV-E Educational and Training Voucher Program; Community Services Block Grant (CSBG); Health Center Program; Substance Use Prevention, Treatment, and Recovery Services Block Grant; Community Mental Health Services Block Grant; Projects for Assistance in Transition from Homelessness Grant Program; Certified Community Behavioral Health Clinics; Mental Health and Substance Use Disorder Treatment, Prevention, and Recovery Support Services Programs administered by the Substance Abuse and Mental Health Services Administration not otherwise covered by designated programs; Title IV-E Prevention Services Program; Title IV-E Kinship Guardianship Assistance Program; and Health Workforce Programs not otherwise covered by prior designated programs (including grants, loans, scholarships, payments, and loan repayments).²¹⁵

What is the status of challenges to this HHS policy?

²¹¹ [King County v. Turner](#), No. 2:25-cv-00814 (W.D. Wash. Jan. 21, 2026), [Order Granting Fourth Preliminary Injunction](#) (Jan. 21, 2026) ([Docket #381](#)) at 11-12, 14-15. Appeal pending - [County of King, et al. v. Turner, et. al.](#), No. 25-3664 (9th Cir. 2025). Appeal pending - [County of King, et al. v. Turner, et. al.](#), No. 25-3664 (9th Cir. 2025)

²¹² [City of Fresno v. Turner](#), No. 25-cv-07070 (N.D. Cal. Sep. 23, 2025), [Order Granting Preliminary Injunction](#) (Sep. 23, 2025) ([Docket #45](#)) at 36.

²¹³ *Id.*

²¹⁴ Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), “Interpretation of Public Benefit,” [90 Fed. Reg. 31232](#) (July 14, 2025).

²¹⁵ *Id.*

As of September 11, 2025, a court ordered: “The effective date of implementation and enforcement of the HHS Immigrant Directive, U.S. Dep’t of Health & Hum. Servs., Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Interpretation of “Federal Public Benefit,” 90 Fed. Reg. 31232 (July 14, 2025), is STAYED until the Court can resolve Plaintiffs’ Second Amended Complaint on the merits.”²¹⁶

In addition to this universal stay, other courts have stopped the implementation of the above conditions as applied to specific grantees and their subgrantees.

As of September 10, 2025, HHS, its employees, and “anyone acting in concert with them” are “ENJOINED from enforcing or implementing” the HHS PRWORA Notice 90 Fed. Reg. 31,232 (July 14, 2025) policy in the following states:²¹⁷

Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Hawai’i, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington, and Wisconsin.²¹⁸

²¹⁶ [Washington State Ass’n of Head Start & Early Childhood Assistance & Education Program v. Trump](#), No. C25-781 (W.D. Wash. Sep. 11, 2025), [Order Granting Motion for Preliminary Injunction](#) (Sep. 11, 2025) ([Docket #120](#)) at 26.

²¹⁷ [New York v. DOJ](#), No. 1:25-cv-00345 (D.R.I. Sep. 10, 2025), [Memorandum and Order](#) (Sep. 10, 2025) ([Docket #64](#)) (“ORDERED that Defendants, their employees, and anyone acting in concert with them, are and until further order of this Court shall remain ENJOINED from enforcing or implementing in the Plaintiff States” 90 Fed. Reg. 31,232 (July 14, 2025) (“HHS PRWORA Notice”).

²¹⁸ *Id.*; see also [New York v. DOJ](#), No. 1:25-cv-00345 (D.R.I. Sep. 12, 2025), [Amended Notice by Defendants](#) (Sep. 12, 2025) ([Docket #66](#)).

Trump Executive Orders Justifying Grant Conditions

Anti-Diversity, Equity, Inclusion and Accessibility (anti-DEIA or anti-DEI) Executive Orders

Executive Order 14151, *Ending Radical and Wasteful Government DEI Programs and Preferencing* ([Jan. 20, 2025](#))²¹⁹

- **Section 2(b)(i)** directs agency heads to “terminate, to the maximum extent allowed by law, . . . all ‘equity-related’ grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees.”

Executive Order 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity* ([Jan. 21, 2025](#))²²⁰

- **Section 3(b)(iv)** directs each federal agency head to “include in every contract or grant award” a term that the contractor or grant recipient “certify that it does not operate any programs promoting DEI” that would violate federal antidiscrimination laws.

Gender (including Anti-Abortion) Executive Orders

Executive Order 14168, *Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government* ([Jan. 20, 2025](#))²²¹

- **Section 3(e)** directs agency heads to “take all necessary steps, as permitted by law, to end the Federal funding of gender ideology.”
- **Section 3(g)** states that: “Federal funds shall not be used to promote gender ideology. Each agency shall assess grant conditions and grantee preferences and ensure grant funds do not promote gender ideology.”

Executive Order 14182, *Enforcing the Hyde Amendment* ([Jan. 24, 2025](#))²²²

- **Section 1** declares: “It is the policy of the United States, consistent with the Hyde Amendment, “to end the forced use of Federal taxpayer dollars to fund or promote elective abortion.”

Anti-Immigration Executive Actions

Executive Order 14159, *Protecting the American People Against Invasion* ([Jan. 20, 2025](#))

²¹⁹ [Exec. Order No. 14151](#), 90 Fed. Reg. 8339 (Jan. 20, 2025).

²²⁰ [Exec. Order No. 14173](#), 90 Fed. Reg. 8633, § 3(b)(iv)(B) (Jan. 21, 2025).

²²¹ [Exec. Order No. 14168](#), 90 Fed. Reg. 8615, § 3(e), (g) (Jan. 20, 2025).

²²² [Exec. Order No. 14182](#), 90 Fed. Reg. 8751 (Jan. 24, 2025).

- **Section 17:** “*Sanctuary Jurisdictions*. The Attorney General and the Secretary of Homeland Security shall, to the maximum extent possible under law, evaluate and undertake any lawful actions to ensure that so-called “sanctuary” jurisdictions, which seek to interfere with the lawful exercise of Federal law enforcement operations, do not receive access to Federal funds. Further, the Attorney General and the Secretary of Homeland Security shall evaluate and undertake any other lawful actions, criminal or civil, that they deem warranted based on any such jurisdiction’s practices that interfere with the enforcement of Federal law.”

DOJ/Bondi Memo, *Sanctuary Jurisdiction Directives* ([Feb. 5, 2025](#))

- This memo was issued by Bondi to implement EO 14159. It announced ending funding for all DOJ funds in order to perform a review that would eventually result in the termination of “any agreements that are in violation of law or are the source of waste, fraud, or abuse” and the initiation of “clawback or recoupment procedures, where appropriate.”

Executive Order 14218, *Ending Taxpayer Subsidization of Open Borders* ([Feb. 19, 2025](#))²²³

- **Section 2(a)(ii)** directs that: “the head of each executive department or agency (agency) shall . . . ensure, consistent with applicable law, that Federal payments to States and localities do not, by design or effect, facilitate the subsidization or promotion of illegal immigration, or abet so-called ‘sanctuary’ policies that seek to shield illegal aliens from deportation.”
- **Section 2(b)** directs all agency heads to ensure “that Federal payments to States and localities do not, by design or effect, facilitate the subsidization or promotion of illegal immigration, or abet so-called ‘sanctuary’ policies that seek to shield illegal aliens from deportation.”
- **Section 2(c)** directs all agencies to “enhance eligibility verification systems, to the maximum extent possible, to ensure that taxpayer-funded benefits exclude any ineligible alien who entered into the United States illegally or is otherwise unlawfully present in the United States.”

Executive Order 14287, *Protecting American Communities from Criminal Aliens* ([Apr. 28, 2025](#))

- **Section 2** instructed the Attorney General and Secretary of Homeland Security to “publish a list of States and local jurisdictions that obstruct the enforcement of Federal immigration laws (sanctuary jurisdictions)” and send letters to each “sanctuary jurisdiction regarding its defiance of Federal immigration law enforcement and any potential violations of Federal criminal law.”
- **Section 3(a)** directed each agency to “identify appropriate Federal funds to sanctuary jurisdictions, including grants and contracts, for suspension or termination, as appropriate.”

* * *

This memorandum is for informational and educational purposes only. It is not intended to be legal advice or a substitute for legal advice for any specific organization or about a particular set of facts, and should not be relied upon as such.

²²³ [Exec. Order No. 14218](#), 90 Fed. Reg. 10581, § 2(ii) (Feb. 19, 2025).