



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-155

For business meeting on: September 20, 2022

Title

Equal Access Fund: Federal Coronavirus
Fiscal Recovery Fund for Housing Issues—
Distribution Report

Agenda Item Type

Action Required

Effective Date

September 20, 2022

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

September 2, 2022

Recommended by

Legal Services Trust Fund Commission
Richard G. Reinis, Cochair
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Executive Summary

The Budget Act of 2022 (Sen. Bill 154; Stats. 2022, ch. 43) includes \$20 million of federal funding from the Coronavirus Fiscal Recovery Fund of 2021 in the Equal Access Fund for distribution to legal services providers and support centers to assist with issues relating to housing matters, including eviction defense or other landlord-tenant disputes, or services to prevent foreclosure for homeowners. The State Bar Legal Services Trust Fund Commission requests approval of the distribution of the \$20 million, less administrative costs, as set forth according to the formula specified in the Budget Act.

Recommendation

The Legal Services Trust Fund Commission recommends that the Judicial Council, effective September 20, 2022, approve distribution of \$20 million in Equal Access Fund housing funds from the Coronavirus Fiscal Recovery Fund of 2021 to the State Bar for those legal services

agencies that previously applied for and were determined to meet the eligibility requirements stated in the Budget Act.

Relevant Previous Council Action

On October 1, 2021, the Judicial Council approved distribution of \$40 million in federal funding from the Coronavirus Fiscal Recovery Fund of 2021 in the Equal Access Fund to the State Bar for distribution to legal services agencies that meet the eligibility requirements stated in the Budget Act, with 75 percent of the funds distributed by formula and 25 percent through a competitive request-for-proposal process. On March 11, 2022, the Judicial Council received an informational report on the distribution of those funds.¹

Analysis/Rationale

The Budget Act of 2022 (SB 154) (see Link A) provides for the distribution of \$20 million, payable from the Coronavirus Fiscal Recovery Fund of 2021, to legal services providers and support centers to assist with a wide range of legal issues related to helping low-income persons obtain or retain housing. This funding is separate from an allocation of \$30 million from state general funds for housing-related legal services, which is also included in the budget for the Equal Access Fund.

Funds are to be distributed by the Judicial Council through the Legal Services Trust Fund Commission, which is staffed by the State Bar, to qualified legal services projects and support centers to provide (1) eviction defense; (2) other tenant defense assistance in landlord-tenant rental disputes; (3) services to prevent foreclosure for homeowners, including pre-eviction and eviction legal services, counseling, advice and consultation, mediation, training, renter education, and representation; (4) legal services to improve habitability, increase affordable housing, and ensure receipt of eligible income or benefits to improve housing stability; (5) legal help for persons displaced because of domestic violence; and (6) homelessness prevention.

The Legal Services Trust Fund Commission is staffed by the State Bar. The Chief Justice, as chair of the Judicial Council, appoints one-third of the voting members to the commission—five attorney members and two public members, one of whom is a court administrator. The Chief Justice also appoints three nonvoting judges to the commission—two trial court judges and one appellate justice.

The Budget Act provides that 75 percent of the funds are to be distributed to qualified legal services projects and support centers that provide eviction defense or other tenant defense assistance in landlord-tenant rental disputes as described above. The remaining funds are to be distributed through a competitive grant process developed by the commission.

¹ Judicial Council of Cal., Legal Services Trust Fund Com. Rep., *Equal Access Fund: Federal Funding for Housing Issues—Distribution Report* (Mar. 11, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=10537585&GUID=C650329A-FFAB-471C-BFB2-D770FE58DA59f>.

At the time of the 2021–22 allocation, the Department of Finance projected that there would be \$20 million in additional funding for this project included in the State Budget in both 2022–23 and 2023–24. To enable legal services programs to develop thoughtful projects that would allow programs to hire staff and make a significant impact, the commission encouraged programs to submit proposals based upon that three-year projection of \$80 million in total funding. Contracts between the legal services programs and the State Bar provide that additional funding will be added to the program grants subject to funding in the State Budget Act.

The process for reviewing applications and awards made by the Legal Services Trust Fund Commission was described in the March 11, 2022 report to the Judicial Council.

Formula grant applications were sent to all potentially eligible organizations, and the State Bar received 75 applications for the formula funding. State Bar staff thoroughly reviewed all applications to determine that the program met the statutory requirements. The Homelessness Prevention Committee of the Legal Services Trust Fund Commission considered the applications and any issues that arose in the review. After approval by the committee, staff calculated each eligible program’s award based on the proportion of funds that the program received in its IOLTA allocation in comparison to the allocation for all legal services programs eligible for this grant.

A list of the approved legal services grantees and awards is found at Attachment A. A memo describing the process and setting forth descriptions of each project is found at Link B: Memo to Homelessness Prevention Committee of the Legal Services Trust Fund Commission (Oct. 1, 2021), *Discuss and Approve Eligibility for 2021–2024 Homelessness Prevention Formula Grants*.

The remaining 25 percent was allocated through a competitive grant process, in accordance with the Budget Act, which encouraged a focus on rural populations and underserved populations. Thirty-four applications were received for competitive grants totaling \$33,800,000 combined—\$14,300,000 more than the anticipated funding for the three years of the project. Staff and the chair of the Homelessness Prevention Committee of the Legal Services Trust Fund Commission scored each proposal according to a scoring rubric approved by the committee. After reviewing proposals to assess project impact and strategies, organizational capacity, and focus on populations identified by the Legislature, the committee considered funding levels.

On December 13, 2021, the Legal Services Trust Fund Commission approved competitive grants as recommended by its Homelessness Prevention Committee in the amounts set forth in Attachment A. The process and method of review is set forth in Link C: Memo to Legal Services Trust Fund Commission (Dec. 13, 2021), *Discuss and Approve 2022 Homelessness Prevention Competitive Grants*.

At this time, it is appropriate to allocate the additional \$20 million for the grants determined by the commission as set forth in Attachments A and B.

The Budget Act requires the State Bar to provide an annual report to the Judicial Council that includes funding allocations, annual expenditures, and program outcomes by service area and service provider. The Judicial Council must provide the report to the Department of Finance by January 1 of each year for the prior fiscal year. The Department of Finance also requires that the Judicial Council provide quarterly reports including financial data and performance indicators from this program for its reports on the federal funding. The State Bar will provide the Judicial Council with data for these reports using the established reporting framework in the Equal Access Program including budget and expenditure data, applicable outcome measures reported in legal services standardized reporting, state-level performance measures, and information on main benefits received by clients. Up to 5 percent of the funds are available for administrative costs of the Judicial Council and the State Bar.

Policy implications

The distribution of these funds helps implement Goal I of the Judicial Council’s strategic plan—Access, Fairness, and Diversity—by increasing representation for low-income persons.

Comments

The statutory scheme does not contemplate public comment.

Alternatives considered

There are no viable alternatives to distributing the funds other than as approved by the Legal Services Trust Fund Commission. The Budget Act provides that the commission shall make the grant award determinations.

Fiscal and Operational Impacts

Judicial Council staff will work with the staff of the Legal Services Trust Fund Commission to oversee administration of the funds, including fulfilling reporting requirements to the State Department of Finance. Staff will also provide support to the commission—including the third of its members appointed by the Chief Justice—to facilitate administration of the funds.

The funding distribution described in this report will have no direct fiscal effect on the courts. Nevertheless, the courts will indirectly benefit from assistance provided to self-represented litigants. Council staff support will be covered by the provision for administrative costs in the Budget Act appropriation.

Attachments and Links

1. Attachment A: *Formula Grants–Legal Services for Housing–COVID Funding* (Dec. 1, 2021–Dec. 31, 2024)
2. Attachment B: *Competitive Grants–Legal Services for Housing–COVID Funding* (Jan 1, 2022–Dec. 31, 2024)
3. Link A: Sen. Bill 154 (Stats. 2022, ch. 43):
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB154

4. Link B: Memo to Homelessness Prevention Committee of the Legal Services Trust Fund Commission (Oct. 1, 2021), *Discuss and Approve Eligibility for 2021–2024 Homelessness Prevention Formula Grants*,
<https://board.calbar.ca.gov/Agenda.aspx?id=16417&t=0&s=false#:~:text=Discuss%20and%20Approve%20Eligibility%20for%202021%2D2024%20Homelessness%20Prevention%20Formula%20Grants>
5. Link C: Memo to Legal Services Trust Fund Commission (Dec. 13, 2021), *Discuss and Approve 2022 Homelessness Prevention Competitive Grants*,
<https://board.calbar.ca.gov/Agenda.aspx?id=16522&tid=0&show=100031489#:~:text=Homelessness%20Prevention%20Grants%3A-,Discuss%20and%20Approve%202022%20Homelessness%20Prevention%20Competitive%20Grants,-Attachments%3A>

ATTACHMENT A

FORMULA GRANTS–LEGAL SERVICES FOR HOUSING–COVID FUNDING (DEC. 1, 2021–DEC. 31, 2024)

Affordable Housing Advocates	LSP	\$ 150,000	
Aids Legal Referral Panel	LSP	\$ 150,000	
Alameda County Homeless Action Center	LSP	\$ 281,265	
Alliance for Children’s Rights	LSP	\$ 969,762	
Asian Americans Advancing Justice–Los Angeles	LSP	\$1,461,693	
Asian Pacific Islander Legal Outreach	LSP	\$ 189,075	
Bay Area Legal Aid	LSP	\$ 995,151	
Bet Tzedek Legal Services	LSP	\$1,913,391	
California Advocates for Nursing Home Reform	SC	\$ 442,044	
California Indian Legal Services	LSP	\$ 512,097	
California Rural Legal Assistance Foundation	SC	\$ 442,044	
California Rural Legal Assistance, Inc.	LSP	\$4,544,697	
California Women’s Law Center	SC	\$ 442,044	
Central California Legal Services	LSP	\$2,613,759	
Centro Legal de la Raza	LSP	\$ 539,121	
Child Care Law Center	SC	\$ 442,044	
Coalition of California Welfare Rights Organizations	SC	\$ 442,044	
Community Legal Aid SoCal	LSP	\$1,624,419	
Community Legal Services in East Palo Alto	LSP	\$ 415,551	
Contra Costa Senior Legal Services	LSP	\$ 150,000	
Disability Rights California	LSP	\$6,398,787	
Disability Rights Education and Defense Fund	SC	\$ 442,044	
Disability Rights Legal Center	LSP	\$ 564,708	
Elder Law & Advocacy	LSP	\$ 325,125	
Eviction Defense Collaborative	LSP	\$ 150,000	
Family Violence Appellate Project	SC	\$ 442,044	
Family Violence Law Center	LSP	\$ 150,000	
Greater Bakersfield Legal Assistance	LSP	\$1,059,054	
Harriett Buhai Center for Family Law	LSP	\$ 402,054	
Housing and Economic Rights Advocates	LSP	\$ 150,000	
Inland Counties Legal Services	LSP	\$3,904,926	
Inner City Law Center	LSP	\$1,310,991	
Justice & Diversity Center of the Bar Association of San Francisco	LSP	\$ 285,339	
Justice in Aging	SC	\$ 442,044	
LACBA Counsel for Justice	LSP	\$ 176,961	
Law Foundation of Silicon Valley	LSP	\$ 598,047	

Lawyers' Committee for Civil Rights	LSP	\$ 569,244	
Legal Access Alameda	LSP	\$ 150,000	
Legal Aid at Work	LSP	\$ 993,231	
Legal Aid Foundation of Los Angeles	LSP	\$2,482,581	
Legal Aid Foundation of Santa Barbara County	LSP	\$ 209,484	
Legal Aid of Marin	LSP	\$ 150,000	
Legal Aid of Sonoma County	LSP	\$ 301,389	
Legal Aid Society of San Bernardino	LSP	\$ 468,552	
Legal Aid Society of San Diego	LSP	\$1,727,781	
Legal Aid Society of San Mateo County	LSP	\$ 173,577	
Legal Assistance for Seniors	LSP	\$ 150,000	
Legal Assistance to the Elderly	LSP	\$ 150,000	
Legal Services for Children	LSP	\$ 150,000	
Legal Services for Seniors	LSP	\$ 230,268	
Legal Services of Northern California	LSP	\$2,612,379	
McGeorge Community Legal Services	LSP	\$ 256,758	
Mental Health Advocacy Services	LSP	\$ 150,000	
National Center for Youth Law	SC	\$ 442,044	
National Housing Law Project	SC	\$ 442,044	
Neighborhood Legal Services	LSP	\$2,004,753	
OneJustice	SC	\$ 442,044	
Public Advocates, Inc.	LSP	\$ 724,857	
Public Counsel	LSP	\$2,600,319	
Public Interest Law Project	SC	\$ 442,044	
Public Law Center	LSP	\$1,418,901	
Riverside Legal Aid	LSP	\$ 463,899	
San Diego Volunteer Lawyer Program	LSP	\$ 537,717	
San Luis Obispo Legal Assistance Foundation	LSP	\$ 150,000	
Santa Clara County Asian Law Alliance	LSP	\$ 156,315	
Senior Adults Legal Assistance	LSP	\$ 150,000	
Senior Advocacy Network	LSP	\$ 150,000	
Senior Citizens Legal Services	LSP	\$ 150,000	
Social Justice Collaborative	LSP	\$ 150,000	
USD School of Law Legal Clinics	LSP	\$ 268,707	
Veterans Legal Institute	LSP	\$ 174,681	
Watsonville Law Center	LSP	\$ 150,000	
Western Center on Law and Poverty	SC	\$ 442,044	
Youth Law Center	SC	\$ 442,044	
Yuba-Sutter Legal Center for Seniors	LSP	\$ 150,000	
TOTAL FOR 3 YEARS		\$58,499,982	

***LSP=Legal Services Project; SC=Support Center**

ATTACHMENT B

COMPETITIVE GRANTS–LEGAL SERVICES FOR HOUSING–COVID FUNDING

January 1, 2022–December 31, 2024

1. Inner City Law Center	\$1,300,000
2. California Indian Legal Services	\$770,000
3. California Rural Legal Assistance, Inc.	\$1,100,000
4. Inland Counties Legal Services	\$1,250,000
5. Legal Aid at Work	\$700,000
6. Public Counsel	\$1,100,000
7. Housing and Economic Rights Advocates.....	\$1,100,000
8. Immigrant Legal Resource Center	\$330,000
9. Justice in Aging.....	\$600,000
10. Legal Aid Society of San Bernardino	\$950,000
11. Los Angeles Center for Law and Justice	\$850,000
12. Legal Aid of Sonoma County	\$880,000
13. Community Legal Aid SoCal	\$1,000,000
14. National Housing Law Project.....	\$500,000
15. Public Law Center.....	\$900,000
16. Bay Area Legal Aid	\$900,000
17. Legal Aid of Marin	\$360,000
18. Neighborhood Legal Services of LA	\$1,100,000
19. Legal Aid Foundation of Los Angeles.....	\$810,000
20. OneJustice	\$600,000
21. USD School of Law Legal Clinics.....	\$800,000
22. Eviction Defense Collaborative	\$1,025,000
23. San Luis Obispo Legal Assistance Foundation	\$575,000

TOTAL for 3 years	\$19,500,000
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