



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 23-151*

For business meeting on September 19, 2023

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**Title**

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

**Agenda Item Type**

Action Required

**Effective Date**

September 19, 2023

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

August 11, 2023

**Recommended by**

State Bar Legal Services Trust Fund  
Commission  
Christian Schreiber, Chair

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### Executive Summary

The Legal Services Trust Fund Commission recommends approval of \$20 million of federal funding from the Coronavirus Fiscal Recovery Fund of 2021 in the State Bar of California's Equal Access Fund for distribution to legal services providers and support centers to provide assistance with housing-related issues, including eviction and other tenant defense in landlord-tenant rental disputes, as authorized by the Budget Act of 2023.

### Recommendation

The Legal Services Trust Fund Commission recommends that the Judicial Council, effective September 19, 2023, 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 \$40 million in federal funding from the Coronavirus Fiscal Recovery Fund of 2021 to the State Bar's Equal Access Fund 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 (Link A). On September 20, 2022, the Judicial Council approved a second distribution of \$20 million (Link B).

## **Analysis/Rationale**

The Budget Act of 2023 (Assem. Bill 101 (Skinner)) (Link C) provides for the distribution of \$20 million, payable from the Coronavirus State 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.

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 services.

The Budget Act of 2021 stated 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.

At the time of the fiscal year (FY) 2021–22 allocation, the Department of Finance projected that the State Budget would include \$20 million in additional funding for this project in both FY 2022–23 and FY 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 on that three-year projection of \$80 million in total funding. Contracts between the legal services programs and the State Bar providing that additional funding will be added to the current program grants.

Formula grant applications were sent to all potentially eligible organizations, and the State Bar received 75 applications for the formula funding. State Bar staff reviewed all applications to determine whether 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.

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 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 March 11, 2023, the Judicial Council received a report on the process for reviewing applications and awards made by the Legal Services Trust Fund Commission (Link D).

Each Budget Act that provided these distributions 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.

On January 20, 2023, the Judicial Council received *Equal Access Fund: Report to Department of Finance on Coronavirus State Fiscal Recovery Funds* (Link E) for the reporting period of December 1, 2021–June 20, 2022. It was provided to the Judicial Council by the Legal Services Trust Fund Commission of the State Bar of California. The Judicial Council will receive a similar report for the period of July 1, 2022–June 30, 2023, at its January 2024 business meeting.

### **Policy implications**

The distribution of these funds helps implement Goal I of the Strategic Plan for California’s Judicial Branch—Access, Fairness, Diversity, and Inclusion—by increasing representation for low-income persons.

### **Comments**

The statutory scheme does not contemplate public comment.

### **Alternatives considered**

There are no 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 to facilitate administration of the funds.

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

## **Attachments and Links**

1. Link A: Judicial Council Rep., Aug. 30, 2021, *Equal Access Fund: Distribution of Funding for Housing Issues*,  
<https://jcc.legistar.com/View.ashx?M=F&ID=9785531&GUID=61CA2145-E867-46D5-8B84-A2607F4A0590>
2. Link B: Judicial Council Rep., Sept. 2, 2022, *Equal Access Fund: Federal Coronavirus Fiscal Recovery Fund for Housing Issues–Distribution Report*,  
<https://jcc.legistar.com/View.ashx?M=F&ID=11204298&GUID=49916ECC-E567-4DC2-81B3-20B51822B269>
3. Link C: Budget Act of 2023 (Assem. Bill 101 (Skinner)),  
[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202320240SB101](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB101)
4. Link D: Judicial Council Rep., Feb. 17, 2023, *Equal Access Fund: Federal Funding for Housing Issues–Distribution Report*,  
<https://jcc.legistar.com/View.ashx?M=F&ID=10537585&GUID=C650329A-FFAB-471C-BFB2-D770FE58DA59f>.
5. Link E: Judicial Council Rep., Jan. 20, 2023, *Equal Access Fund: Report to Department of Finance on Coronavirus State Fiscal Recovery Funds*,  
<https://jcc.legistar.com/View.ashx?M=F&ID=11534198&GUID=5CAC27F4-CBD4-4E72-BF98-3D890A9BBF6C>