



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-077

For business meeting on: March 11, 2022

Title

Equal Access Fund: Federal Funding for
Housing Issues—Distribution Report

Submitted by

Legal Services Trust Fund Commission
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Agenda Item Type

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Executive Summary

The Budget Act of 2021 (Assem. Bill 164; Stats. 2021, ch. 84) includes \$40 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; services to prevent foreclosure for homeowners; legal services to improve habitability; increasing affordable housing, and ensuring receipt of eligible income or benefits to improve housing stability; legal help for persons displaced because of domestic violence; and homelessness prevention. This report describes the process for allocating those funds and lists the grants made.

Relevant Previous Council Action

On October 1, 2021, the Judicial Council approved distribution of \$40 million in equal access housing funds 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.¹ It further directed staff to report back to the council at its March 2022 meeting on the grants made.

Analysis/Rationale

The Budget Act requires the Judicial Council to distribute Equal Access Fund monies to legal services providers through the Legal Services Trust Fund Commission of the State Bar. The State Bar created the commission to administer the law regulating attorneys' interest-bearing trust accounts. (Bus. & Prof. Code, § 6210 et seq.) 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 states that “[t]he Judicial Council shall approve awards made by the commission if the council determines that the awards comply with statutory and other relevant guidelines.... The Judicial Council may establish additional reporting or quality control requirements....”

Reporting requirements are set out in the 2021 Budget Act (see Link A), which now requires the State Bar to “annually provide to the Judicial Council a report that includes funding allocations, annual expenditures, and program outcomes by service area and service provider for all Equal Access Fund and federal funding. Data shall be reported using the established reporting framework in the Equal Access Program including applicable outcome measures in Legal Services standardized reporting, state level performance measures, and main benefit scores. The Judicial Council shall provide this report to the Department of Finance by January 1, of each year for the prior year.”

The Budget Act provides that up to 2.5 percent of the funds may be used for administrative costs of the Judicial Council and State Bar: \$39 million has been issued to the State Bar to distribute to legal services agencies, and \$1 million is set aside for administration. The State Bar's administrative costs are estimated at \$670,000. Seventy-five percent of the remaining funds were distributed as formula grants to qualified legal services programs and support centers that currently provide “eviction defense or other tenant defense assistance in landlord-tenant rental disputes as set forth in this division” and were found eligible for 2021 IOLTA funding.

While the 2021–22 allocation is \$40 million, the Department of Finance projects that there will be \$20 million in additional funding for this project included in the state budget in both 2022–23 and 2023–2024. In order to enable legal services programs to develop thoughtful proposals that would enable programs to hire staff and make a significant impact, the Legal Services Trust Fund Commission encouraged programs to submit applications based upon that three-year

¹ Report to the Judicial Council for business meeting on Oct. 1, 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>.

projection of \$80 million. Contracts between the legal services programs and the State Bar provide that the grants are subject to funding in the future State Budget Acts.

Formula grant applications were sent to all potentially eligible organizations on August 16 and were due on September 10, 2021. The State Bar received 75 applications for the formula funding. The Budget Act provided that the minimum first-year allocation for a program be \$50,000. State Bar staff thoroughly reviewed all applications to determine that the program met the statutory requirements, including (1) currently providing eligible housing services, (2) proposing services that qualify under the terms of the statute, and (3) planning a project that would not supplant existing resources. 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 the 2021 IOLTA allocation in comparison to the allocation for all legal services programs eligible for this homelessness prevention 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. Again, programs were encouraged to propose three-year projects that could not be used to supplant existing resources. Applications were released on September 1 and were due on October 22, 2021. The State Bar convened a webinar to answer potential applicants' questions and encourage participation. Thirty-four applications were received for competitive grants totaling \$33,800,000 combined—\$14,300,000 more than the anticipated funding available for the three years of this 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 B. 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*.

Fiscal Impact and 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.

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: AB 164 (Ting), State Budget Act of 2021,
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB164
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**

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	

December 1, 2021–December 31, 2024

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**