

**Meeting of the EAF Homelessness Prevention Committee
of the Legal Services Trust Fund Commission**

Meeting and Summary and Action Items

Wednesday, August 12, 2020

10 a.m. to 1:00 p.m.

Zoom Conference

OPEN SESSION

Chair Christian Schreiber called the meeting to order at 10:06 a.m.

I. ROLL CALL

Roll was taken and quorum was established. Members were present on Zoom or by phone.

Commission Members

Chair Christian Schreiber
Banafsheh Akhlaghi
Herman DeBose
Corey N. Friedman
Eric Isken
James Meeker
Richard Reinis
Kim Savage
Amin Al-Sarraf (absent)

Liaison

Salena Copeland (Legal Aid
Association of California)
Bonnie Hough (Judicial Council)

State Bar Staff

Brady Dewar
Christine Holmes
Doan Nguyen
Greg Shin

II. CALL FOR PUBLIC COMMENT

Senior Program Analyst Greg Shin invited members of the public to comment. Executive Director of Legal Aid Association of California Salena Copeland informed the Committee that the annual Equal Justice Conference was happening today with many sessions free and open to the public including one on evictions in the era of COVID-19.

III. CONSENT

A. Approval of Meeting Summary and Action Items from November 12, 2019 Meeting

The EAF Homelessness Prevention Committee (Committee) approved by unanimous roll call vote of the original EAF HP Committee members, the Action Summary from the November 12, 2019 meeting (Schreiber moved, Friedman seconded). New members, DeBose, Meeker, Reinis, and Savage abstained.

IV. DISCUSSION AND ACTION ITEMS

A. Update on Potential Extension of the \$20M EAF Homelessness Prevention Grant

Shin reported that several grantees contacted the State Bar with concerns about spending down the entirety of their grant by the end of the grant period, June 30, 2021 due to the COVID-19 pandemic. The grantees inquired about the possibility of an extension. State Bar

contacted the California Department of Finance to see whether an extension to spend down the funds was possible, but was informed that requests to carry-over funds are not processed until the year the grant is ending. The Committee agreed to proceed with the assumption that no carryover requests would be granted.

B. Discuss Extension of August 2020 Mid-Grant Financial Reporting Deadline for the \$20M EAF Homelessness Prevention grant

Shin reported that several grantees contacted the State Bar inquiring about an extension to submit the required mid-grant financial report originally due by August 31, 2020. The report compares the approved project budget with expenditures to date. The intent of having grantees complete this report was to gauge whether they were on track to spend down the entirety of their grant by the end of the grant period. If grantees were not on track to spend down their grant, they would be asked to return funds to the State Bar to redistribute. Grantees noted that due to COVID-19 and shelter in place orders, the current expenditures may not provide an accurate picture of their ability to spend down the grants.

Staff recommended an extension to October 30, 2020, for grantees to submit the expenditures report. LAAC commented in support of staff's recommendation and noted this was a conservative approach and would avoid the potential of having to redistribute funds multiple times. Staff noted that this extension would cut into the time for grantees to spend down redistributed funds; however, staff were not concerned about the shortened timeframe. Once the reports are received, staff will discuss the redistribution methodology with the Committee. The Committee will review and approve redistribution recommendations.

The Committee inquired if, as a part of the review process for the 2021 RFP Homelessness Prevention Grant funding, we would consider a program's inability to spend down the previous grant. Staff noted that this would be taken into consideration, but the weight of this consideration was not yet determined.

The Committee approved by unanimous roll call vote the staff recommendation to extend the due date for the mid-grant financial report to October 30, 2020 (Friedman moved, DeBose seconded).

C. Review and Discuss the Proposed Timeline for the Administration of the \$31M National Mortgage Settlement Funding

Shin presented the timeline for the administration of the \$31 million in funding for homelessness prevention, including both the formula and RFP distribution of funding. The applications and review process for the formula and RFP funding are staggered to provide additional time for the applicants, staff, and the Committee. Staff proposed conducting a thorough review of the formula applications and elevating any issues to the Committee for determination. For the RFP applications, staff proposed assigning Committee members to

working groups to review a portion of the RFP applications. Most of the review process for the RFP applications will take place in October.

The Committee inquired if evaluations from the first HP grant funding would be available for consideration in reviewing the RFP applications. Staff noted that the program evaluations would not be available until next year.

The Committee approved by unanimous roll call vote the proposed timeline for the administration of the \$31M National Mortgage Settlement Funding (Reinis moved, Isken seconded).

D. Review and Approve the Proposed Request for Proposal/Application for the Administration of the \$31M National Mortgage Settlement Funding

Shin reported that staff created a working group of Committee members including Christian Schreiber, James Meeker, and Kim Savage who met on July 29, 2020 to discuss several decision points regarding the distribution as presented in the memorandum provided to the Committee prior to the meeting. Staff had also received feedback from Bonnie Hough of the Judicial Council and Salena Copeland from LAAC regarding the distribution plan and timeline.

Regarding the language in the statute referencing 'soon as practicable' in releasing the grant funds, the working group agreed with staff's recommendation that releasing grants funds in January 2021 was reasonable and would allow staff to administer the funding in conjunction with the annual grant cycle.

The working group also discussed and reached a consensus on a three-year grant period, starting 2021 through 2023, with funds released in three equal installments over the grant period. Staff noted that several programs thought a grant term of one year would be most prudent because a request for additional funding could be made to the legislature sooner. The Committee had no objections to a three-year grant period.

Shin reported there was more discussion among the working group regarding whether to apply a minimum or maximum grant award for the competitive grant and consensus was not reached on this issue. The main argument for applying a minimum and maximum grant award was to provide guidance to program in shaping their proposed projects. On the other hand, the main argument against applying a minimum and maximum grant amount was to allow programs more flexibility. The Committee continued to explore both sides of this issue and discussed the possibility of having only a minimum amount to ensure funding for at least three-quarters of a staff position. Ultimately, the Committee decided on no minimum or maximum grant award to allow more flexibility and promote innovation.

The working group also discussed whether receipt of formula allocation will preclude a program from receiving an RFP grant. The Commission has discretion to determine awards based on the total amount of funding a program receives. Additional factors in determining total funding might include if the project is innovative or if the program excels in providing the proposed service.

Shin also reported that while subgranting would not be allowed for formula allocations the working group agreed with the staff recommendation to allow subgranting to non-IOLTA-funded 501(c)(3) organizations or to other IOLTA-funded programs to encourage innovation and foster collaborations.

The working group also discussed whether there was a need to provide specific guidance for qualified legal service project versus support center proposals. The recommendation from the working group was to discuss this issue during the proposed September convening.

Staff reported on recent discussion of income screening for this funding. The staff interpretation of income screening for the original EAF HP funding was that programs would need to screen for 125 percent of the federal poverty guidelines as is required for IOLTA and EAF funding. On further review of the statutory language for the new funding, staff determined the previous interpretation was too restrictive. Staff noted that the Commission has discretion to impose an income eligibility limit on the RFP grant but not the formula grant. Staff will work with the Judicial and LAAC on a final recommendation regarding this issue.

Shin then reported on the sections included in the formula and RFP applications, noting the formula application and process is largely the same as it was the EAF HP funding. While the RFP review will include a scoring rubric as it did with the EAF HP funding, the criteria and corresponding points were revised based on feedback. The proposed scoring rubric differed from the original scoring rubric in that it created more discrete criteria that had previously been included under “proposal quality”. The purpose of the change is to provide more transparency to programs.

The Committee discussed one of the difficulties with the scoring rubric used for the 2020 RFP grant was that historical performance was not given enough points. Most of the time historical performance will not be that significant; however, if there is a significant issue it wouldn’t matter if this category is only 10 points. Making organizational capacity more points will help ensure that an organization that does consistently great work but submitted subpar proposal would not be penalized. The Committee continued discussion about the possible groupings of criteria before deciding staff will redraft and finalize the scoring rubric with the working group.

The Committee inquired about what constitutes a unique and innovative project in terms of scoring. Chair Christian Schreiber noted there are a number of ways to view a project as

unique and/or innovative including: 1) if the organization is partnering with new organizations; 2) whether the project exists anywhere else in the state; and 3) whether it is addressing issues previously unaddressed because of lack of staffing. Staff will include further descriptions of unique and innovative projects in the RFP guidelines.

The Committee also inquired about how to ensure consistency in using the scoring rubric. Staff reported that to calibrate scoring among the Committee, everyone will review and score one proposal to determine where there may be disagreement. Staff will work with the working groups to recalibrate scoring based on the exercise before reviewing the remaining applications.

The Committee approved by unanimous roll call vote the proposed Formula and Competitive grant applications in concept with staff refining the language with input from the working group (Schreiber moved, Reinis seconded).

Shin then reported on next steps including building out the applications in SmartSimple and creating working groups comprised of staff and Committee members to review the competitive grant proposals. Also, in conjunction with the Judicial Council and LAAC, the Office of Access & Inclusion will plan and schedule the virtual convening session to be held in September 2020 with potential HP applicants. The goal of the convening is to bring together organizations to brainstorm innovative ways to tackle the impending eviction crisis and coordinate efforts to best serve low-income Californians at risk of homelessness.

V. ADJOURN

CLOSED SESSION

NONE