



# The State Bar of California

## 2020 – 2022 Bank Community Stabilization and Reinvestment Grant Request for Proposal

### Background

In 2015 and 2016, the State Bar of California received over \$50 million from Bank of America and Citi in accordance with bank settlements with the U.S. Department of Justice. These national settlements provided funds to IOLTA organizations in every state for “foreclosure prevention legal assistance and community redevelopment legal assistance.” To date, the State Bar, through the Legal Services Trust Fund Commission, has allocated approximately \$41 million to fund 128 community redevelopment and foreclosure prevention projects.

On April 25, 2019, the State Bar’s Board of Trustees<sup>1</sup> approved the distribution of \$6.5 million of the remaining Bank Community Stabilization and Reinvestment Grant (BCSR) funds for statewide and regional foreclosure prevention and community redevelopment collaborations as described below.

### Eligibility

Grant applications must be submitted via SmartSimple **by Friday, September 13, 2019 at 5:00pm.** Applicants and their projects must meet the following criteria in order to be eligible to apply:

- State Bar-Funded Organizations: Only State Bar-funded Legal Services Projects and Support Centers are eligible to apply for BCSR Grants.
- Foreclosure Prevention or Community Redevelopment: Projects must provide legal assistance in either foreclosure prevention or community redevelopment.
- Collaborative Projects: Projects must be collaborative and include a minimum of one organization other than the eligible applicant. Funding caps are based on the total number of organizations collaborating on the project.
- Statewide or Regional Services: Applicants must establish that services are available, and will be actually provided, on either a statewide or regional basis as defined on page three.

### Award Information

The State Bar will distribute up to \$2.17 million annually for three years using a competitive RFP process. Applicants may apply for three year grants, with funding to commence in January 2020. Any funds that are not committed in 2020 will be added to the distribution pool for future years. Eligibility is restricted

<sup>1</sup> In this RFP, references to the State Bar means the Board of Trustees, the Legal Services Trust Fund Commission, or staff in the Office of Access & Inclusion, as appropriate.

to State Bar-funded organizations; however, State Bar-funded organizations may subgrant to non-State Bar-funded 501(c)(3) organizations or to other State Bar-funded organizations. Organizations that previously received BCSR Grant awards may apply for funding. The State Bar has full discretion to award or hold funding for any reason, including an assessment of the ability of the applicants to meet the articulated requirements below.

- **Funding Caps**

Project funding caps are determined by the total number of organizations in a collaborative project. Each project must consist of one State Bar-funded organization applying for the BCSR grant and at least one other program, who may be a State Bar or a non-State Bar-funded organization. Previous BCSR grant awards will not be applied to funding caps in this application cycle, even if prior awards are for the 2020 grant year.

- Two organizations (including applicant) may apply for up to \$175,000 per year for a total of \$525,000 over three years
- Three organizations (including applicant) may apply for up to \$250,000 per year for a total of \$750,000 over three years
- Four organizations (including applicant) may apply for up to \$325,000 per year for a total of \$975,000 over three years
- Five or more organizations (including applicant) may apply for up to \$400,000 per year for a total of \$1,200,000 over three years

- **Subgrants**

Subgrants may be made to non-State Bar-funded 501(c)(3) organizations or to other State Bar-funded organizations. Funding caps are based on the total number of organizations in a collaborative project and will include subgrant amounts. If a State Bar-funded organization is applying for a grant and is also a subgrantee in another project, the subgrant amount will not count towards the funding cap in their application. However, the total amount requested per organization (as an applicant and subgrantee in another project) may be taken into consideration when determining grant awards. State Bar-funded organizations that are both subgrantees and are also applying for a grant must demonstrate that the separate grants will not fund the same activities.

## **Project Requirements**

Proposals for funding must demonstrate how projects will meet the following requirements:

1. Collaboration: Projects must consist of a collaboration between a minimum of two organizations, including the eligible applicant. Funding caps are based on the total number of organizations collaborating on the project. The proposal should describe how the applicant has already developed the necessary partnerships for the project and how it will accomplish its goals.
2. Statewide or Regional Services: Services must be provided statewide or regionally.

- A. **Statewide Services:** Grant applicants must establish that their services are available, and will be actually provided, on a “statewide” basis. Statewide is defined as providing services in five of the following seven districts: Northern California, Sacramento Area, Bay Area, Central Coast, Central Valley, Eastern California, and Southwestern California.<sup>2</sup>

– OR –

- B. **Regional Services:** Grant applicants must establish that their services are available, and will be actually provided within a specific region. A region is defined as:

- i. Five or more counties; or
- ii. Two or more districts; or
- iii. At least two counties that have a total of at least 400,000 people living below the 125% federal poverty threshold, which is approximately 5% of the total poverty population in California.<sup>3</sup>

3. **Foreclosure Prevention or Community Redevelopment Legal Assistance:** Projects must provide legal assistance in either of two substantive areas:

- A. **Foreclosure Prevention Legal Assistance:** Proposals should describe how grant funds will be used to prevent foreclosure in the context of the specific circumstances currently faced by the communities served. Recognizing that the foreclosure crisis has slowed, an applicant should discuss specifically which foreclosure trends, and ongoing borrower needs, the project seeks to address, and how the proposed services will meet those needs. Strategies may be across a broad range of options including but not limited to advice and counsel, representation, mediation programs, or policy and impact work, but should reflect an understanding of the current needs and challenges within the communities to be served, knowledge of successful models, flexibility and creativity, and necessary collaborations to achieve stated goals.

Examples of legal assistance for foreclosure prevention include:

- Outreach and education on the foreclosure process and legal options
- Review of loan documents and counseling regarding the viability of loan modifications, and triage for state or federal violations, including Homeowner Bill of Rights violations
- Loan modification assistance, including forbearance agreements and repayment plans for debt forgiveness or reduction, interest rate reduction, or extending time for payment; also transitional options, including short sale, deed in lieu of foreclosure, and cash for keys
- Negotiation, mediation, and litigation to address service violations
- Loan modification denial appeals
- Reverse mortgage advice to older adults
- Pursuing affirmative actions to restore title in other contexts, such as consumer fraud, predatory lending, or financial abuse

<sup>2</sup> This definition of statewide is adopted from Support Center requirements for statewide support services. The seven districts can be found on the 2020 BCSR Grant Districts map on page eight.

<sup>3</sup> A copy of the county population living in poverty based on the California 2016 ACS Data is included on page nine.

- Legislative or administrative advocacy
- Policy advocacy and support services to increase capacity and foster collaboration with local, state, and national groups on any of the issues above

By the terms of the bank settlement agreement, grants in this category must “prevent foreclosure.” Therefore, protecting the rights of a tenant generally will not be considered for funding under this category. However, if the applicant can make the appropriate case that particular activities identified are foreclosure prevention, they should do so. If, in proposing a project, the applicant can justify why the project falls within U.S. DOJ settlement parameters, it should do so with documented evidence.

If an organization submits a proposal that includes work that is clearly not qualifying – such as eviction defense for individual tenants in already foreclosed properties – the State Bar will not likely be able to fund that proposal. Applications will be reviewed based on the information provided and it is the applicant’s responsibility to establish, in the original application, the connection to qualified purposes.

– OR –

- B. Community Redevelopment Legal Assistance:** Proposals should describe how grant funds would be used for community redevelopment legal services.<sup>4</sup> Proposed projects should support and promote economic development by providing legal services that revitalize or stabilize low-income communities. Strategies may cross a broad range of options from counseling advocacy groups, transactional law, representation, or policy and impact work, but should reflect an understanding of the current needs and challenges within the communities to be served, and the knowledge of successful models for meeting those needs. The organization should have established partnerships that are necessary to achieve the stated goals.

Applicants should present projects that will have far-ranging and lasting impact on communities. The State Bar generally will not fund for these purposes direct legal services. While improving the situation of individuals suggests those individuals will bring resources back to their communities, for individual services to qualify as community redevelopment work, the services must be tied to broader systemic work that benefits the community as a whole.

Examples of community redevelopment legal assistance include:

- Transactional support such as developing the capacity of nonprofit organizations that serve low-income communities; supporting projects typically considered community development such as development and preservation of affordable housing, childcare, senior centers, job training centers, day labor centers, etc.; or support for micro-businesses and low-income entrepreneurs, or other local and community-owned services (childcare and credit unions)

<sup>4</sup>The term “community redevelopment” is from the bank settlement agreements. For purposes of this RFP, we will not be relying on California’s Community Redevelopment Law as it existed prior to the adoption of the Dissolution Act, or as it exists as modified by the Dissolution Act to define “community redevelopment.”

- Developing the capacity of low-income community members to advocate on behalf of their community with respect to proposed laws or legislative action, whether by representing a nonprofit organization or a community group
- Representation of low-income communities with respect to community conditions, e.g., with respect to environmental justice, equity in transit-oriented development, prevention and elimination of homelessness, inclusion of affordable housing, and other matters that protect the healthy development of communities
- Legal assistance that is transformative to a community, promotes systemic change, promotes economic security, and/or has broad impact
- Redevelopment assistance to cities and counties, e.g., ensuring that localities and developers meet their obligations to provide adequate relocation assistance and replacement housing for families displaced by redevelopment
- Devising program, policy, and legislative solutions to the loss of affordable housing, other affordable housing advocacy to combat displacement and enforce redevelopment law
- Developing anti-displacement and gentrification-prevention strategies
- Strategies to eliminate and prevent conditions of blight
- Legislative or administrative advocacy

If a program submits a proposal that includes work that is clearly not community redevelopment – such as direct legal immigration help or direct public benefits legal assistance – that proposal will not likely be funded. Applications will be reviewed based on the information provided and it is the applicant’s responsibility to establish, in the original application, the connection to qualified purposes.

4. **Evaluation and Data Collection:** Grantees will be required to complete annual evaluative reports including service and outcome data. The State Bar retains discretion with respect to funding for second and third year grants. As a grant condition, grantees must agree to cooperate in providing any additional reporting information required by Bank of America, their settlement monitors, regulators, or other concerned national organizations.

- A. **Evaluation Plans:** Proposals should include a clear statement of the goals of the project, how the project will achieve those goals, and the evaluation methods to be used to make any mid-course adjustments to the delivery model and to evaluate the success of the project at its conclusion.

–AND–

- B. **Data Collection and Status Reports:** Grantees will be required to report on the status of the grant, including service deliverables and outcomes, and client stories. Grantees will also be required to report:

- i. **Foreclosure Prevention Legal Assistance**

- How many individuals were served (separately, how many elderly, children, and veterans)?
- How many foreclosures were prevented?
- How many foreclosure clients benefitted in other ways? Explain other benefits

ii. **Community Redevelopment Legal Assistance**

- How many individuals benefitted (separately, how many elderly, children, and veterans)?
- How many non-profits benefitted, if any?
- How many small business clients benefitted, if any?

**Selection Criteria**

The exact dollar amount of grant awards will vary depending on the number and quality of applications received, an assessment of needs for funding of the particular project, and the extent to which a proposal addresses the items below. Grant award decisions are final. There is no appeals process.

- Demonstrated Need of the Targeted Population: While there are no income-eligibility requirements for this funding, the State Bar will consider the articulated needs of a defined target population, with consideration to indigency, and to other special needs, such as those of minority populations, or persons with limited-English language proficiency. Income eligibility might be, for example, service to persons at 400 percent of the federal poverty threshold, or 80 percent of the Home Affordable Modification Program level for the county, particularly if the target population has other special needs.
- Impact of Services: The State Bar will consider the anticipated outcomes of the services, including the number of people that will be served, and the nature of the impact on the lives of targeted populations.
- Deliverables within Grant Period: Grant deliverables must be achievable within the period of the proposed grant. While funding a portion of a project (e.g., impact litigation) coupled with other funding as a bigger project, or over a longer term, will be considered, the proposal should articulate the specific deliverables that will be achieved with this grant funding during the grant period.
- Partnerships and Collaboration: The State Bar will consider the extent to which an applicant already has developed necessary partnerships, or has demonstrated the ability to collaborate with community organizations, local government, or other stakeholders to accomplish their goals.
- Leverage and Sustainability: Because this funding is of limited duration, the State Bar is particularly interested in understanding how the proposed project fits within current organizational programming. If it is an existing project, how will funds be leveraged to increase services? If the project is new, how will the organization sustain the project? Is it replicable or scalable? How will information about the project be shared with other legal aid organizations?
- Organizational Excellence: The State Bar will also consider the experience of the grantee in successfully executing similar projects, and the stability of the organization infrastructure as it affects the ability, as necessary, to hire, retrain, and supervise attorneys, and to administer the grant successfully, including the timely and accurate submission of grant budgets, reports, and evaluations.

- Diversity of Projects: The State Bar would like to fund a variety of projects, and will take into consideration various factors such as geographic region, program size, and project type.
- Services to Rural Areas: Preference will be given to projects that serve rural communities. According to the California Commission on Access to Justice's 2010 report entitled "Improving Civil Justice in Rural California," the most helpful approach for defining "rural" is the approach used by the medical community which uses sub-county areas.<sup>5</sup> For the purposes of this RFP, "rural" is defined as areas that meet the definition of "rural" or "frontier" that the medical community uses to analyze the availability of medical services. This classification scheme is known as Medical Service Study Areas (MSSAs). Rural MSSAs have 50,000 or fewer residents and population densities below 250 people per square mile, while "frontier" MSSAs are defined by population densities of fewer than 11 people per square mile. A map of MSSAs in California is included on page 11. Rural areas will be evaluated on the specific MSSAs where services are to be provided, and not on counties.

<sup>5</sup> The California Commission on Justice to Justice (2010). [\*Improving Civil Justice in Rural California\*](#), 19.

## 2020 BCSR Grant Districts



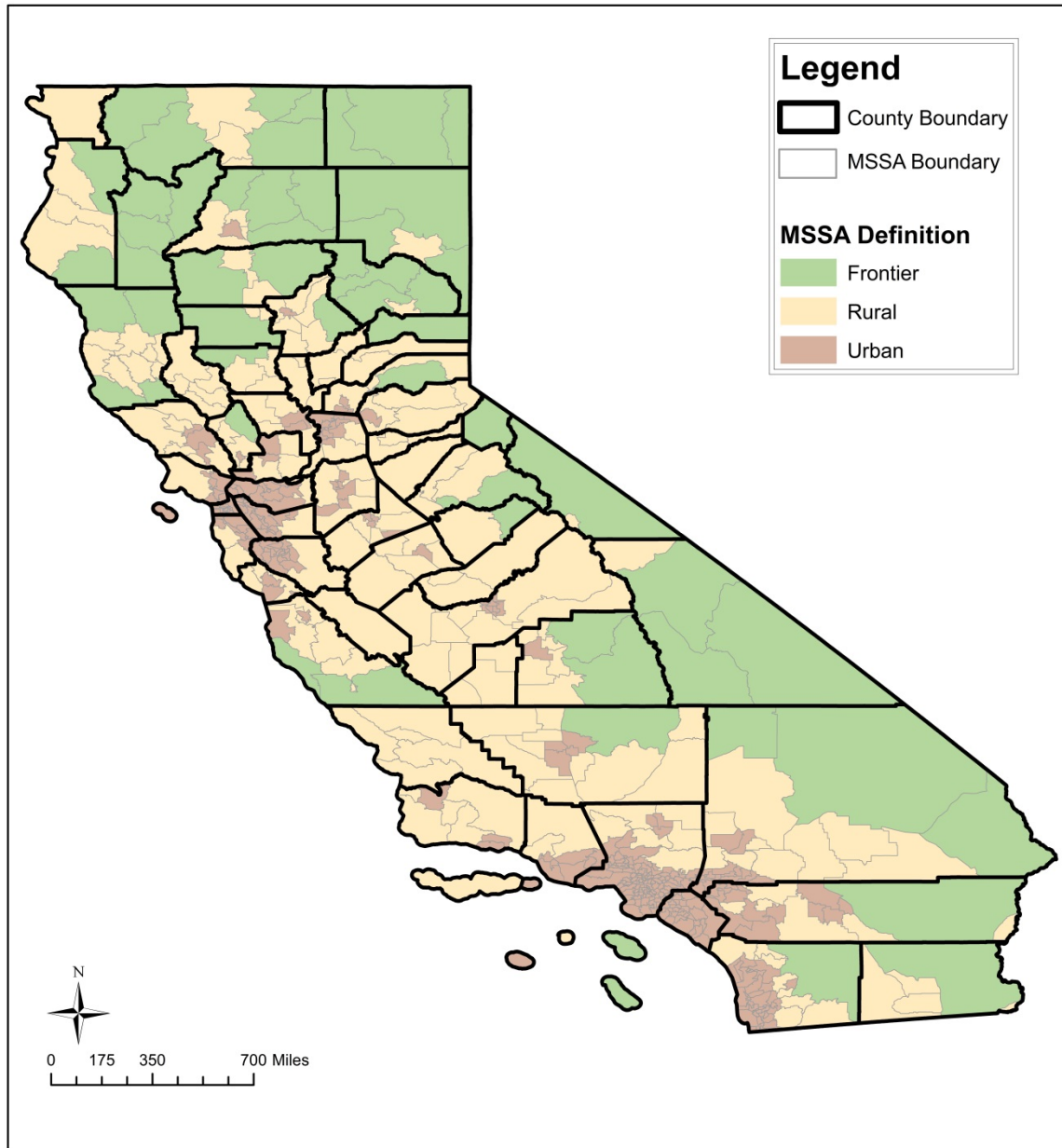


2016 ACS Poverty Data

County	Total Population	Total <125%
Alameda County	1,577,618	246,740
Alpine County	1,170	250
Amador County	32,969	4,891
Butte County	218,439	60,238
Calaveras County	44,280	7,212
Colusa County	21,150	4,287
Contra Costa County	1,098,165	148,997
Del Norte County	24,011	6,703
El Dorado County	181,369	23,846
Fresno County	946,765	319,654
Glenn County	27,541	6,990
Humboldt County	131,865	36,184
Imperial County	168,279	52,279
Inyo County	17,706	2,633
Kern County	839,619	253,404
Kings County	132,716	39,119
Lake County	63,263	19,622
Lassen County	21,974	4,482
Los Angeles County	9,906,013	2,344,151
Madera County	145,251	43,363
Marin County	253,100	25,803
Mariposa County	17,457	3,398
Mendocino County	86,001	22,705
Merced County	258,684	83,311
Modoc County	8,761	1,950
Mono County	13,936	1,684
Monterey County	411,820	93,532
Napa County	137,140	18,797
Nevada County	97,760	15,794
Orange County	3,094,893	514,421
Placer County	367,202	41,482
Plumas County	18,363	3,535
Riverside County	2,289,086	497,243
Sacramento County	1,458,871	332,615
San Benito County	57,696	9,038
San Bernardino County	2,050,839	510,253
San Diego County	3,172,544	582,769
San Francisco County	836,561	135,208
San Joaquin County	701,338	166,182
San Luis Obispo County	262,763	48,128
San Mateo County	748,756	78,557
Santa Barbara County	420,739	90,011
Santa Clara County	1,856,096	229,430
Santa Cruz County	259,991	50,984
Shasta County	176,464	40,571
Sierra County	2,902	468
Siskiyou County	43,259	12,210
Solano County	418,688	70,357
Sonoma County	491,031	76,293
Stanislaus County	524,616	129,497
Sutter County	94,349	22,823
Tehama County	62,205	17,772
Trinity County	12,947	3,560
Tulare County	449,819	164,623
Tuolumne County	50,446	9,813
Ventura County	831,731	122,923
Yolo County	201,542	48,489
Yuba County	72,585	19,711
	37,913,144	7,920,985

# California Medical Service Study Area Poverty Map

## California Medical Service Study Areas (MSSA) Urban/Rural/Frontier Designation



Sources: U.S. Census Bureau; CA Office of Statewide Health Planning and Development

Map by Cynthia Gutierrez, Revathi Rao, and Catherine Williams, MPP  
Faculty Supervisor Prof. James Meeker, UC Irvine