

**LEGAL SERVICES TRUST FUND COMMISSION
HOMELESSNESS PREVENTION COMMITTEE MEETING
Meeting Summary and Action Items**

Tuesday, December 3, 2020, 9:00 a.m. – 1:00 p.m.
State Bar of California (Conference Call via Zoom)

Roll Call		
Members Present	Advisors	Staff
Chair Christian Schreiber	None	Brady Dewar
Banafsheh Akhlaghi		Andrea Fitanides
Amin Al-Sarraf	Liaisons	Christine Holmes
Herman DeBose	Bonnie Hough	Elizabeth Hom
Eric Isken	Zach Newman	Doan Nguyen
James Meeker		Dan Passamaneck
Richard Reinis	Public Members	-----
Kim Savage	William Boschelli	Members Absent
	Claire Solot	None

OPEN SESSION

Chair Christian Schreiber called the meeting to order at 9:01 a.m.

I. ROLL CALL

Roll call was taken, and quorum was established.

II. CALL FOR PUBLIC COMMENT

Chair Christian Schreiber invited members of the public to comment on any items on the agenda. The following comment was made: Claire Solot, from the Legal Services Funders Network, expressed appreciation for the Committee's work, noting how it greatly serves the state.

III. DISCUSSION AND ACTION ITEMS

A. Discussion of 2021 – 2023 Request for Proposal Homelessness Prevention (RFP) Applications

Chair Christian Schreiber described the origin of the funding that the Committee is distributing: The California Legislature allocated \$31 million for homelessness prevention legal services that will go to qualifying legal nonprofits via two mechanisms: 75 percent of the funding goes to legal aid and support center grantees through the statutory Interest on Lawyers' Trust Accounts (IOLTA) funding formula. The remaining 25 percent, just under \$7.5 million after subtracting administrative costs, will go to qualifying programs through a competitive application process.

In September 2020, the Committee convened legal services advocates and others to explore how to allocate the competitive grants. About one hundred and forty people attended that

event, at which staff announced the Committee's six-criteria rubric. Those six criteria reflect the priorities of: legal services project/proposal quality, organizational ability, services to rural or uniquely underserved communities, services to Californians regardless of citizenship/immigration status, quality of plan to evaluate project services, and ability to continue services at the end of homelessness prevention grant funding.

After the State Bar's September 2020 meeting and the subsequent application deadline, the Committee divided proposals to four working groups so as to evaluate them efficiently. To ensure consistency in how each group applied the rubric criteria, the Committee convened today's meeting to calibrate the scores and finalize funding decisions.

The Chair concluded his introduction by remarking on the extremely high quality of proposals for homelessness prevention funding. He noted—and several other Committee members agreed—that the fact that only a subset of proposals will receive funding reflects the limited funding available, rather than the quality of the proposals themselves. The Chair also noted that the Commission's use of a scoring rubric is still relatively new.

The Chair proceeded to ask each of the review groups to explain how they applied each of the rubric's criteria. The Committee started its discussion with Criterion Six in order to end the discussion with Criterion One, regarding the quality of project proposals, which accounted for the most points (40) in the scoring rubric.

Discussion of Criterion Six: Potential sustainability/continuation of proposed services after the completion of the grant period (five points available)

The Committee discussed how to evaluate projects that expressed a willingness to seek future funding without mentioning specific funders or a fundraising plan. Members agreed that general statements about fundraising intention were weaker than specific fundraising designs. The Committee also discussed looking at applicants' track records for securing long-term funding for projects and whether the specific proposal might be both attractive and affordable to future funders. Members agreed, however, that forecasting the future of legal aid in California is difficult. As a result, Committee members put a lower emphasis on projecting the future interest of other funders than on the specificity of the fundraising plan.

The Chair reflected on how some applicants hope to address the homelessness issue in their project during the grant period, lowering the need for sustainability. Committee members took this into account when conferring points and noted that sustainability is more nuanced than a yes-or-no binary. Following its discussion of Criterion Six, the Committee calibrated its scores to ensure uniformity in application. As a result of the calibration exercise, the Committee raised specific scores of one and two to scores of two or three—out of five—points.

Discussion of Criterion Five: Ability to measure and evaluate the benefits and outcomes of the project/activities (five points available)

In discussing its application of Criterion Five, the Committee reflected on how—like with Criterion Six—general statements of intention earned fewer points than specific plans. Many applicants proposed to send surveys as their primary method of evaluating the efficacy of their projects. Committee members, however, valued specificity in exactly what each applicant would measure and why.

Another indication of seriousness in evaluation was proposing to spend money on evaluation tools or services. One Committee member noted that some public agencies must spend a percentage of their budget on evaluation. This could provide a model for the Commission in future RFPs. Since the State Bar did not express this expectation to programs, however, staff suggested and the Committee agreed that failure to allocate funding to evaluation should not count against an applicant in this round of awards. Upon concluding its discussion of Criterion Five, the Committee found general uniformity in how it had interpreted and applied this factor.

Discussion of Criterion Four: Proposed services serve clients regardless of immigration or citizenship status (ten points available)

The Chair noted that before it proceeds the Committee needs to determine whether this criterion establishes a yes-or-no dichotomy. Staff reminded Committee members that they circulated guidance on how to interpret this factor, suggesting that it supports a range of points rather than an all-or-nothing outcome.

Members discussed whether grantees that must restrict their services to those who are undocumented, such as federal Legal Services Corporation basic field grantees, could perhaps partner with other organizations to ensure that State Bar-funded services can still reach that community. The Committee recognized, though, that some restrictions might extend to subgrantees. After focused discussion, the Committee unified its scoring approach to Criterion Four by raising scores that reflected a binary interpretation, thus bringing those groups' evaluations in line with staff's guidance and the other review groups' interpretations.

Discussion of Criterion Three: Proposed services serve rural or unique underserved communities (ten points)

Staff reminded the Committee that they circulated guidance for this criterion as well, clarifying that it does support a gradation of points, rather than an all-or-nothing approach. Staff also reminded the Committee that the legislation authorizing these grants specifies rural "or" underserved communities, such that a program could serve just one (e.g. urban Californians who experience mental health issues) to satisfy this criterion.

To achieve uniformity in its evaluation of each proposal, the Committee raised scores that were low merely because the project would serve an urban population if it would reach a

unique underserved community. Acting in agreement, the Committee raised these outlier scores from four or five points to six points. The Chair observed that those programs that earned ten points in this category proposed providing assistance to both rural and underserved communities.

Discussion of Criterion Two: Organizational capability (thirty points)

This criterion articulated two aspects: (1) an applicant's "[c]apacity or demonstrated ability to quickly scale to launch and manage proposed services" and (2) its "[s]trong historical performance in ability to meet goals from prior grants, timely submission of reports, [and] ability to use grant funds as proposed and in a timely manner." Several Committee members reflected that their scoring group placed greater emphasis on the second of these two aspects. State Bar staff provided information to the review groups about applicants' history of submitting State Bar reports and other compliance issues addressed in monitoring visits. In calibrating its scores, the Committee found that it had applied this criterion consistently.

Discussion of Criterion One: Proposal quality (forty points)

This criterion articulates three aspects: (1) "Proposed services are innovative, and address an unmet or underserved need (e.g. creative partnerships with other organizations, proposed project/services currently don't exist or are not being provided, project would lead to significant systemic change or other large scale progress; and/or proposed project/services is not simply an expansion of services already being provided); (2) [t]ype and depth of legal services provided; and (3) [p]roposed goals and outcomes."

The Chair opened discussion of Criterion One by noting that the points are more spread out compared to the other criteria. Staff suggested that this spread might arise in part from differences in how each scoring group weighed each of the three aspects. For instance, one group might have placed greater emphasis on innovation than another group might have done. Several Committee members remarked that they did indeed award fewer points to projects that would simply expand an applicant's existing services rather than innovate a new intervention. One Committee member noted that the formula awards can support an applicant's existing work whereas the discretionary award criteria specifically mentioned a preference for trying a novel approach.

The Committee discussed weighing the size and type of impact that each project seeks to have as well as how realistic those aims are on a three-year timeline. One Committee member remarked about having to control for the quality of writing—looking past the level of polish to evaluate the substance—in each proposal since some applicants have more resources, such as grant writers, to author their submissions. The Committee then debated to what extent the quality of writing is relevant to a score in Criterion One. The Committee agreed that while quality of presentation will influence the persuasiveness of a proposal, it would focus on how compelling and realistic the underlying project itself is.

Staff noted that Criterion One might be an area where point spread is appropriate. Rather than reflecting a divergence in how scoring groups applied the rubric criteria, it might instead reflect the varying qualities of the proposed projects. Staff suggested to the Committee that it look for areas where it might have judged common elements differently, such as with level of innovation. The Chair confirmed with the Committee members that they share the view that expanding existing work would receive fewer points than innovating a new project since the criterion expressed a preference for the latter.

The Committee also reflected on how to evaluate proposed partnerships such as subgrantees. For those applicants that did propose to subgrant funds, the Committee agreed that it should look at whether the subgrantee was in a viable position to perform its articulated role.

Just before the break, the Chair suggested that the Committee look especially at programs in the fifteen-to thirty-point range for Criterion One. It is in this low and middle band of scores that most variation in criterion application seemed to lie. During the break, State Bar staff identified those programs at which the Committee would look more closely upon its return.

At this stage, staff identified six proposals in the fifteen- to thirty-point range, meeting the Committee's criteria for ensuring that it applied Criterion One uniformly. The Committee proceeded to discuss each of the proposals in turn with one Committee member describing the project and the rationale behind its score for Criterion One.

In making its scoring calibrations, the Committee awarded more points for innovative projects. Members also harmonized their scores when assessing the potential impact of the project, favoring those that would perform geographically necessary work with strong partnerships and a strong nexus to homelessness prevention. If a program proposed a partner, the Committee awarded more points for ensuring that the partner organization would receive some funding from the award.

Upon concluding its discussion of Criterion One, the Chair observed that all the calibrations—across all categories—left the top ten scoring projects unchanged. This outcome reflects that most adjustments moved proposals within the middle and low range of scores.

B. Recommended Approval of 2021 – 2023 RFP Homelessness Prevention Awards and Budgets to the Legal Services Trust Fund Commission

Having finished calibrating its scores, the Committee turned to evaluating the budget proposals. To help start the Committee's thinking about each budget request, State Bar staff proposed a funding range based on the details of the proposal and the amount that each applicant requested. One Committee member asked staff how they arrived at their low-end funding figure. Staff explained that their proposed funding reflects the minimum that an

applicant may need but they would need to check with the relevant applicant their conclusion that the amount would indeed be enough to run the project or whether the applicant would need to modify the project scope or deliverables. If necessary, staff could check with applicants and report back to the Committee at its meeting on December 15, 2020.

To frame the discussion, staff reported that if the Committee were to select the low-end funding figure rather than the high-end figure for every project, then approximately \$2 million would be available to fund a handful of additional projects. The Chair asked the group if there was a shared sense of whether it would be better to fund more projects at a lower amount or to fund fewer projects near the amounts that each applicant requested. Most members expressed a desire to fund more projects provided that each grantee receive enough funding to meet their project's core goals. Members remarked that in reviewing the budget proposals, some applicants might have asked for more funding than they would need. If most projects could find ways to accomplish their goals with a reduced award, then the Commission might be able to fund an additional one or two high-impact projects.

At this point, the Committee proceeded to evaluate the individual budget requests, with the proposals that earned the highest number of points. For each request, a Committee or staff member described the project and made a recommendation for whether the applicant receive the high-end estimate, the low-end estimate, or an amount in between.

Factors that the Commission considered in setting funding amounts were staffing, overhead, and outsourcing of some work to partners. The only grantee to receive its full request did so because it submitted a particularly conservative budget given the scope of its work.

After making preliminary funding decisions for the highest scoring proposals, the Chair noted that at this point the Committee was reaching some projects that scored near thirty points—out of forty points—on Criterion One. Some proposals, however, that had scored in the thirty-five to thirty-eight range—albeit lower in other categories—might fall below the funding line. The Committee revisited the scores in each rubric category and recalibrated the scores for organization capacity given the previous discussion. Committee members agreed the proposals were strong and the programs were making progress on past compliance issues.

Upon dispensing the available funds to the highest scoring proposals, the aggregate initial awards exceeded the amount of funding available. Therefore, the Committee had to decide how it would spread additional reductions to ensure that its funding recommendations to the Commission exactly matched the funding available. The Committee performed a second pass through the list of funded projects to spread the reductions, leaving each project with at least staff's minimum funding figure. Pending staff's conversations with some of the applicants, the final awards were as follows:

1. Central California Legal Services (\$950,000);

2. Community Legal Aid SoCal (\$650,000);
3. Housing and Economic Rights Advocates (\$500,000);
4. Inner City Law Center (\$768,500);
5. Legal Aid at Work (\$700,000);
6. Legal Aid Foundation of Los Angeles (\$650,000);
7. Legal Aid Society of San Bernardino (\$600,000);
8. Mental Health Advocacy Services (\$250,000);
9. OneJustice (\$244,000);
10. Public Interest Law Project (\$500,000);
11. Public Law Center (\$650,000); and
12. Western Center on Law & Poverty (\$900,000).

Total Awards: \$7,362,500

Staff confirmed that they would return to the applicants that would receive an amount that is lower than their request to confirm that they can still launch the project with the awarded figure. Staff will also ask the program to submit a revised budget. One Committee member suggested that in future funding cycles the Commission set a budget ceiling to avoid programs proposing a budget that seeks too great a share of the funding available. This action would be consistent with the Committee's preference that it fund more projects at lower levels than fewer projects at higher levels.

IV. ADJOURN

There being no other business, the meeting was adjourned at 1:13 p.m.