

Senate Bill (SB) 129 Authorization for 2022 HP Formula and RFP Grants

SEC. 10. Item 0250-162-8506 of Section 2.00 of the Budget Act of 2021 is amended to read:
0250-162-8506—For local assistance, Judicial Branch, payable from the Coronavirus Fiscal Recovery Fund of 202140,000,000

Schedule:

(2) 0150083-Equal Access Fund40,000,000

Provisions:

1. The funding in Schedule (2) shall be distributed by the Judicial Council through the Legal Service Trust Fund Commission to qualified legal service projects and support centers as defined in Sections 6213 to 6215, inclusive, of the Business and Professions Code, to be used for legal services in civil matters for indigent persons. The Judicial Council shall approve awards made by the commission if the council determines that the awards comply with statutory and other relevant guidelines. Up to ten percent of the funds in Schedule (2) shall be for joint projects of courts and legal services programs to make legal assistance available to pro per litigants, and at least 90 percent of the funds in Schedule (2) shall be distributed consistent with Sections 6216 to 6223, inclusive, of the Business and Professions Code. Any funding not allocated for joint projects shall be redistributed consistent with Sections 6216 to 6223, inclusive, of the Business and Professions Code. The Judicial Council may establish additional reporting or quality control requirements consistent with Sections 6213 to 6223, inclusive, of the Business and Professions Code.
2. The funding in Schedule (2) shall be distributed by the Judicial Council through the Legal Service Trust Fund Commission of the State Bar pursuant to Provision 1 to qualified legal services projects and support centers to provide eviction defense, other tenant defense assistance in landlord-tenant rental disputes, or services to prevent foreclosure for homeowners, including pre-eviction and eviction legal services, counseling, advice and consultation, mediation, training, renter education, and representation, and legal services to improve habitability, increasing affordable housing, ensuring receipt of eligible income or benefits to improve housing stability, legal help for persons displaced because of domestic violence, and homelessness prevention. Of this amount, no more than 2.5 percent shall be available, upon order of the Department of Finance, for administrative costs of the Judicial Council and the State Bar. The remaining funds shall be allocated as follows:
 - a. 75 percent shall be distributed to qualified legal services projects and support centers that currently provide eviction defense or other tenant defense assistance in landlord-tenant rental disputes, as set forth in this provision. To expedite the distribution of this percentage of the \$40,000,000 in Schedule (2), eligible programs shall be limited to those found eligible for 2021 Interest on Lawyer Trust Accounts (IOLTA) funding. Each eligible program shall receive a percentage equal to that legal services project's 2021 IOLTA allocation divided by the total 2021 IOLTA allocation for all legal services projects

eligible for this funding, except that to ensure meaningful funding is provided, a minimum amount of \$50,000 shall be allocated to each eligible program unless the program requests a lesser amount, in which case the additional funds shall be distributed proportionally to the other qualified legal services projects. These funds shall be distributed as soon as practicable after the effective date of this act and shall not supplant existing resources.

- b. 25 percent shall be allocated through a competitive grant process developed by the Legal Services Trust Fund Commission of the State Bar to award grants to qualified legal service projects and support centers to provide eviction defense, other tenant defense assistance in landlord-tenant rental disputes, or services to prevent foreclosures for homeowners, as set forth in this provision, to meet the needs of tenants not addressed by the formula provided in subdivision (a). The grant process shall ensure that any qualified legal service project or support center that received funding pursuant to subdivision (a) may only receive funding pursuant to this subdivision if that qualified legal service project or support center demonstrates that funds received under this subdivision will be not be used to supplant existing resources, and will be used to provide services to tenants not otherwise served by that qualified legal service project or support center. The commission shall make the grant award determinations. In awarding these grants, preference shall be given to qualified legal aid agencies that serve rural or underserved communities. Any funding not allocated pursuant to this competitive grant process shall be distributed pursuant to subdivision (a), except that there shall be no minimum funding amount for these funds.
3. Funds appropriated in Schedule (2) are available for encumbrance or expenditure until December 31, 2024.
4. The State Bar shall 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 reported in Legal Services standardized reporting, state level performance measures, and main benefits scores. The Judicial Council shall provide the report to the Department of Finance by January 1 of each year for the prior fiscal year.