

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

Friday, January 28, 2022, 2:00 p.m.– 4:00 p.m.
State Bar of California (Conference Call via Zoom)

Roll Call

Members Present

Chair James Meeker
Eric Isken
Tammy Mahoney
Richard Reinis
Kim Savage
Christian Schreiber

Liaisons

Bonnie Hough

Public Members

Kim Tyda, Judicial Council of
California
Lorin Kline, Legal Aid
Association of California

Staff

Michael Cheng
Danielle MacRae
Chris McConkey
Doan Nguyen

Members Absent

Banafsheh Akhlaghi
Amin Al-Sarraf

OPEN SESSION

Chair Jim Meeker called the meeting to order at 2:02 p.m.

I. ROLL CALL

Roll call was taken and quorum was established.

II. CALL FOR PUBLIC COMMENT

Chair Meeker invited the public to comment on agenda items.

Amber Gallaway: A member of the public expressed interest in observing today's meeting.

III. CONSENT

A. Approval of Meeting Summary and Action Items from the November 22, 2021, Meeting

The 2022-2024 Homelessness Prevention (HP III) competitive grants had a scoring team of one commissioner and three State Bar staff. The commissioner on the team was the Committee's Chair, Jim Meeker. Chair Meeker asked that the minutes from November 22, 2021, and December 2, 2021, identify the scoring team members by

name when referring to them. This would increase public transparency and accountability in making HP III awards.

The Committee discussed Chair Meeker's recommendation. Program Director Nguyen described the State Bar's preference and practices for taking minutes in a consistent style. Following discussion, Commissioner Reinis moved to amend the minutes from November 22, 2021, and December 2, 2021, to identify scoring team members when referring to them. The Committee then approved the November 22, 2021, meeting summary and action items as amended and by unanimous roll call vote (Reinis moved, Schreiber seconded).

B. Approval of Meeting Summary and Action Items from the December 2, 2021, Meeting

The Committee approved the December 2, 2021, meeting summary and action items as amended and by unanimous roll call vote (Reinis moved, Schreiber seconded).

IV. DISCUSSION AND ACTION ITEMS

A. Approval of Requests to Revise 2021-2023 Homelessness Prevention (HP II) Grant Budgets

Program Supervisor McConkey summarized the fall 2021 requests to revise HP II grant budgets. Staff received 10 requests that were at or below 10 percent of the total award. At 10 percent or below, these requests are self-approving. Five requests were above 10 percent and below 25 percent. In this range, State Bar staff can approve, which they did in these instances. Staff received one request of 25 percent or above. At this size, the Committee recommends—and the Commission decides—whether to approve budget revision.¹

Program Supervisor McConkey summarized the request that was above 25 percent of the award. This request was from Inland Empire Latino Lawyers Association (IELLA). IELLA's three-year, HP II formula grant is \$75,933. Its budget deviation is \$33,821, which is about 45 percent of the award. IELLA sought to modify its budget so that it could provide the same services using pro bono—rather than in-house—attorneys. One of IELLA's primary ways of providing legal aid is by coordinating pro bono legal services.² After reviewing IELLA's explanation, staff recommended that the Committee approve the request.

¹ A list of HP II budget revision requests above 10 percent are available at <https://board.calbar.ca.gov/docs/agendaItem/Public/agendaitem1000028585.pdf>.

² IELLA's explanation is available at the link in footnote one, *supra*.

Program Supervisor McConkey also provided an update on one of the five requests that was between 10 and 25 percent of the grant. This request was from San Diego Volunteer Lawyer Program (SDVLP). SDVLP's HP II formula award is \$173,844. It expected a deviation of \$24,973, which is about 14 percent of the award. In the materials for today's meeting, staff's approval was "tentative," pending additional information. SDVLP since explained that the revision would accurately reflect the project's true costs after supplementary funding never came through. Based on the explanation, staff approved SDVLP's request.

Chair Meeker moved to approve IELLA's request:

RESOLVED, that the Legal Services Trust Fund Commission Homelessness Prevention (HP) Funds Committee recommends approving the revised 2021-2023 HP formula grant budget for Inland Empire Latino Lawyers Association (submitted on October 29, 2021).

The motion was approved by unanimous roll call vote (Meeker moved, Isken seconded).

B. Approval of Changes to Homelessness Prevention (HP) Grant Reporting

Program Supervisor McConkey presented on some of the differences between HP II and HP III reporting. The HP II grants use state—rather than federal—funds and therefore have state reporting requirements. These include annual reports and a final report. The HP III grants, by contrast, use federal Coronavirus State Fiscal Recovery Funds (SFRF) and have federal—as well as state—reporting requirements. HP III grants require quarterly, annual, and final reports.

Program Supervisor McConkey explained the need to update HP II and HP III reporting. The Budget Act of 2021 required administering HP III formula funds "as soon as practicable." To comply, the Commission launched the formula application on August 16, 2021, and competitive application on September 1, 2021. Staff's August guidance to applicants articulated reporting requirements based on the existing ones for HP II. During the fall, however, the California Department of Finance (DOF) clarified SFRF reporting requirements. These include, for example:

- Quarterly reporting on spending and the number of people served.
- Annual, client-level reporting on main benefits and legal resolutions.
- Reporting within a few days of the end of each reporting period—quarterly and annual.

Program Supervisor McConkey presented the following tables from staff's January 28, 2021, memo:³

Table 1: Recommended Changes to HP III Reporting Only

Current Policy/Practice	Change	Rationale
HP III Formula Grant Guidelines HP III Competitive Grant RFP	Note that HP III reporting topics and deadlines are subject to state and federal requirements for coronavirus SFRF, which might change over time.	Although staff does not anticipate changes to SFRF reporting requirements, this addition would notify grantees that these requirements remain subject to change by DOF and Treasury.
HP III Formula Grant Guidelines HP III Competitive Grant RFP Submit quarterly spending reports that compare spending to the approved budget.	Note that grantees must also report spending on full-scope representation in eviction proceedings. Staff will provide guidance on how to calculate this.	DOF is requiring data about spending on evidence-based practices. Full-scope representation in eviction cases is the distinct intervention that the Judicial Council and State Bar identified for this separate reporting requirement.
HP III Formula Grant Guidelines Submit "regular" reports with client-level data on demographics, main benefits, economic benefits, and legal resolutions. HP III Competitive Grant RFP Submit "quarterly" reports with client-level data on demographics, main	Require that grantees provide quarterly data on the total number of people served rather than data about each client. To avoid duplication across quarters, this refers to closed cases where there was attorney-client representation. It also includes recipients of non-representation services such as self-help clinic attendees, training attendees, etc.	This change is to match DOF requirements. Additionally, the State Bar might need to report quarterly data by the 8 th calendar day after each quarter. This leaves programs about 4-5 calendar days to report on the previous 3 months. This would be too little time to report data about each client individually.

³ The memo is available at <https://board.calbar.ca.gov/docs/agendaitem/Public/agendaitem1000028580.pdf>.

Current Policy/Practice	Change	Rationale
benefits, economic benefits, and legal resolutions.	Specify that client-level data will instead be part of the annual report.	

Table 2: Recommended Changes to Both HP II and HP III Reporting

Current Policy/Practice	Change	Rationale
HP II and III Formula Grant Guidelines HP II and III Competitive Grant RFPs Report main benefits “according to the codes and definitions in the California Legal Aid Reporting Handbook.”	Limit the main benefit codes to those that comply with the statutory restrictions for HP funding—that is, comply with the enumerated homelessness prevention activities. Staff would identify the relevant codes in consultation with the Judicial Council.	This would avoid confusion in HP reporting. Removing extraneous codes would help programs to classify services by their homelessness prevention character and encourage them to focus on compliant activities.
CA Legal Aid Reporting Handbook “Report Main & Economic Benefits for both Limited and Extended Services if you can confirm the benefit was achieved.”	Require programs to select main benefit codes even when they are unable to confirm that they were achieved. Instead, require programs to categorize the outcome as “anticipated” or “verified.”	This would avoid gaps in HP data. Collecting main benefits only when programs can confirm them results in a significant percentage of services where the goals—even the areas of law—are unknown.
CA Legal Aid Reporting Handbook Generally, report main benefits when the case has closed.	Note that programs should report on cases that are still open/pending at the end of the grant.	This would avoid gaps in HP data. HP II and HP III cases that are still open when the grant ends would be included in the final reports.
CA Legal Aid Reporting Handbook “The second [‘other services’] section of the	List only areas of law that correspond to statutorily authorized homelessness prevention activities. Staff	This would avoid confusion in HP reporting. Removing extraneous areas of law would help programs to

Current Policy/Practice	Change	Rationale
report collects information on all other non-case services (no attorney-client relationship) by area of law.”	would identify the relevant areas of law in consultation with the Judicial Council.	classify services by their homelessness prevention character and encourage them to focus on compliant activities.
(Practice) Allow grantees to report legal resolutions in the following categories (in approximately ascending order of depth): Counsel and advice, limited action, settlement without litigation, settlement with litigation, agency decision, court decision, extensive services, and other.	Eliminate “other” as an option. Of the remaining options, specify that grantees should choose the category that best describes the legal resolution.	This would avoid confusion in HP reporting. Nearly all levels of representation can fit in the remaining categories. Furthermore, the “other” category is vague such that it is impractical to characterize in reports.

Program Supervisor McConkey described how the above changes would increase the helpfulness of HP II and HP III data. They would also promote statutory compliance.

The Committee discussed grantees’ ability to report annual, client-level data if the turnaround time is just a few days. Program Supervisor McConkey noted that the State Bar will provide guidance to grantees so that they might export from their case management systems the exact data they need. State Bar and Judicial Council staff also said that they hope DOF might authorize reporting in arrears.

As well as approving the changes above, staff recommended delegating to State Bar staff the authority to update HP III reporting topics and deadlines when necessary to comply with state and federal requirements. DOF might issue additional guidance for HP III grantees. Delegating this authority would let staff implement any new requirements without having to convene the Committee and/or Commission to approve them.

Chair Meeker expressed concern about delegating too much of the Committee’s oversight. Reporting is fundamental to the Commission and Committee’s ability to oversee the HP grants. Setting those requirements, therefore, is an important function that commissioners perform. He proposed the alternative that staff consult with the committee chair before making substantive changes.

The Committee discussed the Chair's proposal. Some commissioners expressed support for having staff consult with the Chair about major changes. Some questioned the need to oversee staff if the change were truly necessary to comply with state and/or federal requirements. Following discussion, the Committee decided to handle in separate resolutions the approval of HP reporting changes and any delegation of authority.

The Committee unanimously passed the following resolution (Meeker moved, Mahoney seconded):

RESOLVED, that the Legal Services Trust Fund Commission Homelessness Prevention (HP) Funds Committee recommends the changes to 2021-2023 HP (HP II) grant reporting and 2021/2022-2024 HP (HP III) grant reporting as described in staff's January 28, 2022, memo with the following correction: Language about budget variances (e.g. in Attachment A) will specify that grantees must report deviations that exceed 10 percent of the award, rather than deviations "of 10 percent or more" of the award.

Next, the Committee passed the following resolution (Meeker moved, Reinis seconded):

RESOLVED, the committee recommends delegating to State Bar staff the authority to update HP III reporting topics and deadlines when necessary to comply with state and federal requirements for Coronavirus State Fiscal Recovery Funds. Major substantive changes will be made in consultation with the committee chair.

The vote was as follows:

Yes (4): Isken, Meeker, Mahoney, and Reinis.

No (2): Savage and Schreiber.

Abstention (0): None.

Absent (2): Akhlaghi and Al-Sarraf.

C. Staff Update on HP Grantmaking

With only a few minutes left, Chair Meeker asked staff to forward an email with his thoughts about how the Committee scores competitive applications. He suggested that the Committee take up the topic at a future meeting. To ensure transparency, staff displayed the email using screen share so that the public could see it live and in the meeting recording.

V. ADJOURN

There being no other business, the meeting adjourned at 3:51 p.m.

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