



# The State Bar of California

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## **OPEN SESSION**

## **AGENDA ITEM**

## **AUGUST 2022**

## **LSTFC HOMELESSNESS PREVENTION FUNDS COMMITTEE IV.A**

**DATE:** August 31, 2022

**TO:** Members, Homelessness Prevention Funds Committee

**FROM:** Chris McConkey, Program Supervisor

**SUBJECT:** Selection Criteria and Other Parameters for the 2023-2024 Homelessness Prevention Competitive Grants

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### **EXECUTIVE SUMMARY**

Governor Newsom signed the Budget Act of 2022 (the Budget Act) on June 27, 2022. The Budget Act allocates \$30 million for competitive awards to qualified legal services projects and support centers to provide homelessness prevention legal services.

On August 12, 2022, the Legal Services Trust Fund Commission (Commission) approved a timeline for making 2023-2024 homelessness prevention (HP 4) grants. The Commission also delegated to the Homelessness Prevention Funds Committee (Committee) approval of the scoring rubric and request for proposals (RFP). This delegation of authority facilitates a grant period start date of January 1, 2023.

This memo describes the parameters for HP 4 funding. It also presents an RFP (Attachment A) and scoring rubric for the Committee's meeting on August 31, 2022.

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### **BACKGROUND**

#### **Statutory Parameters**

The Budget Act allocates \$30 million for competitive grants to provide homelessness prevention legal services. Up to five percent of that amount (\$1.5 million) is available to cover

Judicial Council and State Bar of California costs. This funding has an encumbrance or expenditure date of June 30, 2024.<sup>1</sup>

Similar to the 2021-2024 and 2022-2024 homelessness prevention (HP 3) grants, HP 4 awards must fund:

[E]viction 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.

The Budget Act of 2022.

Past homelessness prevention grants prohibited legislative lobbying. It is staff's understanding that this remains true for the HP 4 grants.

The HP 3 competitive grants implemented a statutory preference for "qualified legal aid agencies that serve rural or underserved communities."<sup>2</sup> The Budget Act kept that preference for HP 4. As of the date this memo goes to post, a pending amendment would add a second preference for "partner[ing] with or subgranting to community-based organizations or local jurisdictions, provided the partnerships or subgrants were in effect as of June 30, 2022." The Legislature removed last year's express requirement that applicants avoid supplanting other funding with their new HP dollars.<sup>3</sup>

## DISCUSSION

### Grant Timeline

On August 12, 2022, the Commission approved the following timeline for making HP 4 competitive grants:

Date(s)*	Activity
August 31, 2022	Committee approves RFP and scoring rubric
September 9, 2022	Staff releases application

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<sup>1</sup> The Budget Act of 2022, with pending amendments, is available at [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB179](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB179).

<sup>2</sup> The Budget Act of 2021 is available at [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB164](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB164).

<sup>3</sup> The Budget Act of 2022, pending amendments. See footnote 1, *supra*.

Date(s)*	Activity
October 10, 2022	Applications due
October 19, 2022	Committee advises the scoring team/calibrates the rubric
October 20-November 11, 2022	Commissioner-staff team scores applications
December 1, 2022	Committee recommends awards
December 13, 2022	Commission approves awards
January 1, 2023	Grant period starts

\*Dates are approximate to accommodate applicant, commissioner, and staff availability and needs.

The Commission delegated authority to the Committee to approve the RFP and scoring rubric. Additionally, it delegated authority to a team of commissioners and State Bar staff to score applications in consultation with the Committee.<sup>4</sup> As such, HP 4 awards would be final and without appeal. These delegations of authority facilitate a grant start date of January 1, 2023.

### Selection Criteria

Staff recommends the rubric and guidance below to help evaluate applications. The rubric would be a tool to guide discussion of proposals. A comparatively high score would not guarantee funding. The Committee and Commission could still exercise discretion to recommend/make awards that best accomplish the statewide goals of the Budget Act.

Category	Exceeds Expectation	Meets Expectation	Below Expectation	Not Addressed
<b>Project impact and strategies:</b> The applicant proposes a project that significantly and directly addresses or will address a compelling need for the particular homelessness prevention intervention(s).				
<b>Number of check marks</b>	<b>X25 points</b>	<b>X20 points</b>	<b>X15 points</b>	<b>X0 points</b>
<b>Subtotal</b>				
<b>Administration:</b> The applicant demonstrates that it has the qualifications, experience, resources,				

<sup>4</sup> On August 12, 2022, the Commission passed the following resolution:

RESOLVED, that the Legal Services Trust Fund Commission approves the timeline and roles for 2023-2024 Homelessness Prevention (HP 4) grants as presented in the Homelessness Prevention Funds Committee's August 12, 2022, memo; and it is

FURTHER RESOLVED, that the Commission delegates authority to the Committee to approve the request for proposals, including scoring rubric, for the HP 4 grants and to a commissioner(s)-staff team to score applications in consultation with the Committee to make recommendations for final approval by the Commission.

Category	Exceeds Expectation	Meets Expectation	Below Expectation	Not Addressed
and/or partners that it needs to meet the proposal objectives.				
<b>Number of check marks</b>	<b>X20 points</b>	<b>X15 points</b>	<b>X10 points</b>	<b>X0 points</b>
<b>Subtotal</b>				
<b>Serves rural populations:</b> The applicant presents a thoughtful strategy to meet the homelessness prevention legal needs of specific rural communities.				
<b>Serves underserved populations:</b> The applicant presents a thoughtful strategy to meet the homelessness prevention legal needs of specific underserved communities.				
<b>Project evaluation:</b> The applicant details an evaluation strategy to acquire data that it can use to refine the project's strategies to increase its effectiveness in addressing homelessness.				
<b>Number of check marks</b>	<b>X15 points</b>	<b>X10 points</b>	<b>X5 points</b>	<b>X0 points</b>
<b>Subtotal</b>				
<b>Special consideration:</b> The applicant proposes evidence-based advocacy strategies and/or would leverage partnerships with or subgrants to community-based organizations or local jurisdictions. Those partnerships or subgrants must be in effect as of June 30, 2022.				
	<b>0-10 points</b>			
<b>Total</b>				

The following explanations accompany the rubric's criteria:

- **Project impact and strategies:** Applicants should explain how the project's strategies and goals—activities, partnerships, outputs, outcomes, etc.—will directly and significantly ameliorate homelessness. They should explain why they selected the particular intervention(s) over others. The justification for the proposed services should refer to the circumstances and needs of particular populations that the project seeks to serve.
- **Administration:** Applicants should demonstrate their ability to implement and manage the project. Signs of strong administration include sufficient staffing, leadership, project monitoring, outreach, and resources. An applicant's history of achieving deliverables

and complying with the requirements—including deadlines—for other grants is relevant to this criterion.

- **Serves rural populations:** Applicants should describe the extent to which they would serve rural communities. The more the project would concentrate its efforts on rural populations, the more likely it will score a meets or exceeds expectations in this category.

Applicants should also detail their strategy for serving rural Californians. The strategy should consider the challenges they face—economic, geographic, political, and otherwise—to safe and reliable housing. Likewise, it should address the likely challenges to providing services. Proposals ought to explain how the project will prioritize outreach and services to rural areas rather than just affirm their eligibility.

The California Commission on Access to Justice recommends defining “rural” as areas that meet the medical service study area (MSSA) standard for “rural” or “frontier.” The California Office of Statewide Health Planning and Development identifies MSSAs using sub-county clusters of census tracts. The California Commission on Access to Justice argues that MSSA categories of rural and frontier—as opposed to urban—are better suited than counties to classify rural areas. Rural MSSAs have 50,000 or fewer residents and population densities below 250 people per square mile. “Frontier” MSSAs have population densities of fewer than 11 people per square mile.<sup>5</sup>

- **Serves underserved populations:** Applicants should describe the extent to which they would serve underserved communities. The more the project would concentrate its efforts on underserved populations, the more likely it will score a meets or exceeds expectations in this category.

Applicants should also detail their strategy for serving underserved communities. The strategy should consider the challenges they face—economic, geographic, political, and otherwise—to safe and reliable housing. Likewise, it should address the likely challenges to providing services. Proposals ought to explain how the project will prioritize outreach and services to underserved communities rather than just affirm their eligibility.

These funds are limited to serving those who are indigent under Business and Professions Code section 6213(d).<sup>6</sup> Therefore, this criterion asks how the targeted

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<sup>5</sup> MSSA data is available on the California State Geoportal at <https://gis.data.ca.gov/datasets/CHHSAgency::medical-service-study-areas/explore?filters=eyJERUZJTklUSU90IjpbIjJ1cmFslwiRnJvbnRpZXliXX0%3D&location=36.206796%2C-118.684374%2C7.63>. This link provides data with the following filters for definition: “Rural” and “Frontier.”

<sup>6</sup> Section 6213(d) states:

“Indigent person” means a person whose income is (1) 200 percent or less of the current poverty threshold established by the United States Office of Management and Budget or (2) who is eligible for Supplemental Security Income or free services under the Older Americans Act or Developmentally Disabled Assistance Act. With regard to a project that provides free services of

population faces even higher barriers to accessing civil justice than do indigent people generally. Additionally, since “serves rural populations” is a separate criterion, this row refers to other ways a population is underserved. Such populations may be defined with respect to categories including, but not limited to: Race, ethnicity, age, limited English-proficiency, disability, veteran status, and immigration status. The application should demonstrate that the targeted population is relatively underserved.

- **Project evaluation:** Applicants should describe a strategy—frequency, diversity of approaches, etc.—to assess the effectiveness of project services. The project should gather and analyze data in time to inform services strategy during the grant period. Dededicating financial and other resources to evaluation is relevant to this criterion.
- **Special consideration:** Applicants may receive additional points for proposing evidence-backed advocacy strategies. There is evidence to support the efficacy of full-scope representation in eviction cases. For other strategies, the applicant should cite to data (i.e. research/studies) supporting their efficacy.

Applicants may also receive points for proposing partnerships with or subgrants to community-based organizations and/or local jurisdictions. Those relationships must have existed as of June 30, 2022. Legislative staff has confirmed that the Budget Act means to confer a preference on existing partnerships. This is because similar funding might be unavailable in the future, and therefore unavailable to sustain new partnerships.

The number of special consideration points awarded may reflect the overall persuasiveness of the relevant project descriptions. This includes the strength and relevance to the project of the evidence-based advocacy, partnerships, or subgrants.

The following provide guidance for “not addressed,” “below expectations,” “meets expectations,” and “exceeds expectations”:

- **Not addressed:** A proposal that scores “not addressed” in a category/criterion fails to satisfy that criterion in a meaningful way or lacks the relevant nexus. A proposal might fail to satisfy a criterion in a meaningful way if it articulates only a vague intention to do so. A response might lack the relevant nexus to “serves rural populations,” for instance, if it would serve only an urban community.
- **Below expectations:** A proposal that scores “below expectations” in a category/criterion addresses that criterion but is insufficiently competitive or persuasive to justify a score

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attorneys in private practice without compensation, “indigent person” also means a person whose income is 75 percent or less of the maximum levels of income for lower income households as defined in Section 50079.5 of the Health and Safety Code. For the purpose of this subdivision, the income of a person who is disabled shall be determined (1) after deducting the costs of medical and other disability-related special expenses and (2) after deducting disability compensation from the United States Veterans Administration paid to a veteran with a service-related disability.

of “meets expectations.” The proposal might aspire to do too little, for instance, such as only occasionally serving rural clients for the “serves rural populations” criterion. Or the proposal might lack sufficient detail, explanation, or basis in fact to demonstrate its contours or likelihood of success. Since such a proposal might still articulate a feasible project, this score confers some points.

- **Meets expectations:** A proposal that scores “meets expectations” in a category/criterion is competitive and persuasive with respect to that row of the rubric. To be competitive, the proposal will be sufficiently ambitious and/or compelling to merit the use of competitive funds. To be persuasive, the proposal will describe circumstances sufficiently probative of the applicant’s intention and ability to accomplish its stated objectives in that criterion.
- **Exceeds expectations:** A proposal that scores “exceeds expectations” in a category/criterion satisfies the standard for “meets expectations” while standing out as particularly compelling or impressive. A project might be especially compelling, for instance, because its strategies or partnerships would be unusually impactful. Or the proposal might be exceptionally detailed, thorough, evidence-driven, or otherwise well-conceived and convincing.

The rubric is structurally similar to those for other competitive awards including the HP 3, California Housing Finance Agency, and—staff expects—consumer debt legal services grants. These rubrics also provide for scores of below, meets, and exceeds expectations in similar criteria. Each also provides the opportunity for special consideration points. Staff recommends adopting a similar rubric to increase predictability for applicants, consistency in scoring, and efficiency in grantmaking.

The proposed rubric for HP 4 differs, however, from HP 3’s rubric in two notable ways:

1. **Services to rural and underserved communities:** The rubric for HP 4 removes HP 3’s emphasis on a rural or underserved “focus.” Otherwise, these criteria are largely the same as before: They still evaluate the magnitude of and quality of strategy for services to rural/underserved communities.

For HP 3, one applicant observed that “focus” can suggest a greater than 50 percent share of clients, services, or spending. It might also elevate quantity of services over quality of strategy. Like the Budget Act, though, the Committee has not required any particular quantity of rural/underserved work to receive preference. Instead, the Committee evaluates and compares—within and across applications—proposals’ reach, depth, and sophistication for rural/underserved work. This is a much more holistic analysis than the word “focus” suggests to some.

2. **Special consideration:** Both rubrics provide special consideration points for partnerships and evidence-backed strategies. The rubric for HP 4, however, aligns the language about partnerships with the new, express preference for relationships that existed as of June 30, 2022.

Staff recommends that the Committee use its best efforts to distribute grants statewide. This would entail a geographic comparison of the highest scoring proposals. To the extent that particular regions might be under-represented among top-scoring applications, the Committee could exercise discretion still to recommend awards to those areas. In doing so, the Committee might observe that a strong—although slightly lower scoring—proposal would provide high quality and badly needed services to communities that HP funding would otherwise fail to reach.

Likewise, staff recommends that the Committee strive for a diversity of HP 4 interventions in the spirit of the Budget Act. This too would entail a services-based analysis of the top scoring proposals. To the extent that particular services, such as foreclosure prevention, might be under-represented, the Committee could exercise discretion still to fund that work. The discretion to spread funding statewide and to fund a diversity of interventions invites a comparative, post-scoring analysis.

### **Application Components**

Staff proposes that the HP 4 application include the following:

1. **Form A: Project Profile**

The project profile would include high-level information about the project such as its award request, other funding (if any), and abstract.

2. **Form B: Project Description**

The project description would include detailed information about the project. This includes, for instance, the project's need, clients, partnerships, goals, activities, deliverables, and strategies for outreach, accessibility, and evaluation. It would also ask for detailed narratives about the applicant's qualifications and resources to perform the work effectively.

3. **Form C: Project Budget**

The budget would include information on how the program proposes to allocate HP 4 funds to the project for 1.5 years. Applicants would need to identify staff by their role (e.g. "Managing attorney" or "Housing attorney") and estimate the amount of time that these roles would spend on the project. The project staff, budget, and description should be consistent with one another.

Staff proposes a project budget cap of \$1.5 million for this 1.5-year award. With at least \$28.5 million available after administrative costs, a project cap of \$1.5 million would allow for at least 19 awards.

4. **Form D: Budget Narrative**

The budget narrative would include information about each line of the budget, noting whether the grant will directly pay for specific items or be allocated on a percentage or other basis.



## **Reporting Requirements**

Demonstrating effective use of these funds is critical to supporting future funds. Grantees must, therefore, report quantitative and qualitative data describing their clients and activities. This data includes outcomes (main and economic benefits) tied to individual characteristics that demonstrate the value of these grants.

HP 4 grants must comply with the existing framework for Equal Access Program reporting except where necessary to meet other state requirements. Reporting requirements may be subject to guidance from the Department of Finance and other agencies. As such, some requirements might become known to the State Bar at a later date.

Staff proposes modeling HP 4 reporting after other, ongoing homelessness prevention reporting as much as possible. That would allow for consistency for programs and comparisons between grant cycles. Reporting requirements would include:

### **1. Annual Expenditure Reports**

Grantees would have to submit annual spending reports that compare expenditures to the approved budget. Grantees would have to report budget variances exceeding 10 percent to the State Bar as soon as possible.

### **2. Annual Services/Case Reports**

Grantees would have to submit annual reports with client-level data on:

- A. Main benefits for all cases according to those codes and definitions in the *California Legal Aid Reporting Handbook* that are relevant to HP 4 funds. Programs will specify whether or not the main benefit is verified.
- B. Geographic and demographic data, tied to verified/not verified outcomes, for all clients.
- C. (To the extent possible) Economic benefits for cases that resulted in an award for or savings to the client.
- D. Highest levels of service for all cases where there was an attorney-client relationship and aggregated data about all other services (e.g. trainings) during the grant.
- E. Any other data necessary to comply with state reporting requirements.

### **3. A Final Evaluation Report**

As well as regular services reports, organizations would have to submit a final evaluation about the following outputs and outcomes, among others:

- A. Service population: How did this project impact the people it served? What changed for them, or what negative outcomes were prevented?

- B. Community impact: Describe whether and how this project has changed the community it serves.
- C. Evaluation/Assessment: Describe the processes used to assess the effectiveness of this project and any lessons learned regarding the project itself or the community it serves.
- D. Reports: Upload any report completed regarding the evaluation or assessment of this project or demonstrating the effect of services rendered (e.g., client satisfaction survey results, pre and post test results, number of cases in which stipulations were reached, number of trials, outcome of trials, etc.).
- E. Other impacts: Will this project have any immediate or long-term impacts that are not already captured in main benefits reporting?
- F. Continuation of the project: Describe any plans to continue the project after the grant period.
- G. Publications: Describe any future publication or distribution plans for materials resulting from grant activities; provide the URL for online resources related to this project (web sites, resource libraries, etc.).
- H. Impact work and materials:
  - Overview of impact litigation cases: For any grant-funded impact cases your organization litigated as part of this project during the grant period, whether open or closed, report the case name, number of individuals estimated to be impacted, date filed, venue, and any partners or co-counsel also participating.
  - Overview of public policy advocacy activities: Describe any grant-funded public policy advocacy activities, such as regulatory advocacy, your organization engaged in during the grant period. Remember that the legislature prohibited using these funds for legislative advocacy.
  - Training and support activities: Describe any grant-funded training or other support activities not identified above. For support centers, use this space to provide quantitative and qualitative data about trainings, convenings, research, and other support for qualified legal services projects.

### **Required Assurances**

Staff proposes that the HP 4 grant use assurances based on those for other homelessness prevention awards. Each applicant would have to acknowledge that:

1. It agrees that it will use funds it receives from the 2023-2024 homelessness prevention

(HP 4) grant only for purposes stated in its application. Should the State Bar determine in its sole discretion that the applicant is unlikely to use all funds received for these purposes within the grant period, the applicant will return funds to the State Bar as directed by the State Bar.

2. It will not discriminate based on race, color, national origin, religion, gender, disability, age, marital or domestic partnership status, medical condition, or sexual orientation.
3. It will comply with quality control procedures adopted by the State Bar of California (State Bar).
4. It will permit reasonable site visits and will present additional information deemed reasonably necessary to determine compliance with the terms of the grant.
5. It will comply with fiscal management and control procedures adopted by the State Bar.
6. It understands that any proposal submitted for an HP 4 grant, and all documents submitted pursuant to issuance of HP 4 funding, are public documents, and may be disclosed to any person.
7. It agrees it will file regular program and financial reports, as may be required by the State Bar, and cooperate with other data collection requests by the State Bar for this grant project.
8. The State Bar is permitted, in its sole discretion, to adjust Applicant's award at any time to reflect the actual amount of funding available for HP 4 grants. Consequently, grantees shall not be guaranteed any specific dollar amount in grant funds, or any grant funds at all, if funds received are insufficient or unavailable to the State Bar.

## **RECOMMENDATIONS**

Should the Committee concur with staff's proposal, passage of the following resolution is recommended:

**RESOLVED**, that the Legal Services Trust Fund Commission Homelessness Prevention Funds Committee, acting on behalf of the Commission under its delegated authority, approves the priorities, rubric, and distribution plan for 2023–2024 homelessness prevention competitive grants as described herein.

## **ATTACHMENT(S) LIST**

- A. HP 4 Grant RFP



# The State Bar of California

## 2023 –2024 Homelessness Prevention Competitive Grant Request for Proposals

### Background

Governor Newsom signed the Budget Act of 2022 (the Budget Act) on June 27, 2022.<sup>1</sup> The Budget Act allocates \$30 million for competitive awards to qualified legal services projects (QLSPs) and support centers to provide homelessness prevention legal services. Similar to the 2021-2024 and 2022-2024 homelessness prevention (HP 3) grants, these awards must fund:

[E]viction 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.

The Budget Act of 2022.

On August 12, 2022, the Legal Services Trust Fund Commission (Commission) approved a process for making 2023-2024 homelessness prevention (HP 4) awards. After administrative costs of up to five percent (\$1.5 million), the amount available for grants is at least \$28.5 million.

### Eligibility

HP 4 applications are due on SmartSimple by **Monday, October 10, 2022, at 5:00 p.m. (PT)**. To be eligible for an award, applicants must be a current QLSP or support center under California Business and Professions Code [section 6213](#).

### Competitive Grant Parameters

1. HP 4 awards may fund only the activities that the Budget Act enumerates, above. These

<sup>1</sup> The Budget Act of 2022, with pending amendments, is available at [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB179](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB179).

grants may not support legislative advocacy.

2. Pursuant to the authorizing legislation, the following shall receive preference:
  - a. Qualified legal aid agencies that serve rural or underserved communities.
  - b. (Pending passage of amendment language in [AB 179](#)) Qualified legal aid agencies partnered with or subgranting to community-based organizations or local jurisdictions, provided the partnerships or subgrants were in effect as of June 30, 2022.
3. There is no minimum amount of funding that programs may request. The maximum that a program may request is \$1,500,000 for the 1.5-year grant period (January 1, 2023–June 30, 2024). Since these funds have an expenditure/encumbrance date of June 30, 2024, programs should plan on the possible unavailability of carryovers.
4. HP 4 funding is to serve indigent Californians and QLSPs serving indigent Californians pursuant to Business and Professions Code section 6213.<sup>2</sup>

#### **Award Information**

The Commission seeks to fund high-impact projects that, within the scope of the Budget Act’s list of authorized activities, address acute homelessness risks and harms. The Commission also seeks to fund a diversity of homelessness prevention legal services throughout the state.

Applicants may propose creative partnerships with IOLTA and non-IOLTA providers. To that end, programs may seek to subgrant a portion of their award to one or more partner organizations. Such a collaboration could enable a well-rounded suite of homelessness prevention expertise and services that the applicant alone might be unable to achieve.

The Commission plans to vote on final awards by mid-December 2022. The competitive grant period will start on January 1, 2023.

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<sup>2</sup> Section 6213(d) states:

“Indigent person” means a person whose income is (1) 200 percent or less of the current poverty threshold established by the United States Office of Management and Budget or (2) who is eligible for Supplemental Security Income or free services under the Older Americans Act or Developmentally Disabled Assistance Act. With regard to a project that provides free services of attorneys in private practice without compensation, “indigent person” also means a person whose income is 75 percent or less of the maximum levels of income for lower income households as defined in Section 50079.5 of the Health and Safety Code. For the purpose of this subdivision, the income of a person who is disabled shall be determined (1) after deducting the costs of medical and other disability-related special expenses and (2) after deducting disability compensation from the United States Veterans Administration paid to a veteran with a service-related disability.

### Selection Criteria

Award decisions are final and without appeal. The funding level of awards will depend on the number and quality of applications as well as proposed budgets. A successful response to the RFP will expressly and persuasively:

- Identify how the proposed project aligns with the permissible uses in the Budget Act and would meet the compelling needs of the population(s) it targets.
- Articulate the outputs (e.g. number of cases closed) and outcomes (e.g. increase in knowledge of tenant's/homeowners' rights) of services. Applicants should identify goals that are tied to the specific partnerships, activities, and deliverables they seek to achieve with this grant.
- (If applicable) Highlight how they will serve clients in rural and/or particularly underserved communities.
- Describe the applicant's qualifications and ability to perform the proposed work.

The Commission and Homelessness Prevention Funds Committee (Committee) will use their best efforts to distribute grants statewide and to fund a diversity of homelessness prevention interventions. Additionally, the Committee has adopted the following rubric to guide its deliberations:

Category	Exceeds Expectation	Meets Expectation	Below Expectation	Not Addressed
<b>Project impact and strategies:</b> The applicant proposes a project that significantly and directly addresses or will address a compelling need for the particular homelessness prevention intervention(s).				
<b>Number of check marks</b>	<b>X25 points</b>	<b>X20 points</b>	<b>X15 points</b>	<b>X0 points</b>
<b>Subtotal</b>				
<b>Administration:</b> The applicant demonstrates that it has the qualifications, experience, resources, and/or partners that it needs to meet the proposal objectives.				
<b>Number of check marks</b>	<b>X20 points</b>	<b>X15 points</b>	<b>X10 points</b>	<b>X0 points</b>
<b>Subtotal</b>				
<b>Serves rural populations:</b> The applicant presents a thoughtful strategy to meet the homelessness prevention legal needs of specific rural communities.				

Category	Exceeds Expectation	Meets Expectation	Below Expectation	Not Addressed
<b>Serves underserved populations:</b> The applicant presents a thoughtful strategy to meet the homelessness prevention legal needs of specific underserved communities.				
<b>Project evaluation:</b> The applicant details an evaluation strategy to acquire data that it can use to refine the project's strategies to increase its effectiveness in addressing homelessness.				
<b>Number of check marks</b>	<b>X15 points</b>	<b>X10 points</b>	<b>X5 points</b>	<b>X0 points</b>
<b>Subtotal</b>				
<b>Special consideration:</b> The applicant proposes evidence-based advocacy strategies and/or would leverage partnerships with or subgrants to community-based organizations or local jurisdictions. Those partnerships or subgrants must be in effect as of June 30, 2022.				
	<b>0-10 points</b>			
<b>Total</b>				

**Note:** The rubric is a tool to guide Committee and Commission discussion of projects. A comparatively high score, therefore, does not guarantee funding. The Committee and Commission may still exercise discretion to recommend/make awards that best accomplish the statewide goals of this funding.

The following explanations accompany the rubric:

- **Project impact and strategies:** Applicants should explain how the project's strategies and goals—activities, partnerships, outputs, outcomes, etc.—will directly and significantly ameliorate homelessness. They should explain why they selected the particular intervention(s) over others. The justification for the proposed services should refer to the circumstances and needs of particular populations that the project seeks to serve.
- **Administration:** Applicants should demonstrate their ability to implement and manage the project. Signs of strong administration include sufficient staffing, leadership, project monitoring, outreach, and resources. An applicant's history of achieving deliverables and complying with the requirements—including deadlines—for other grants is relevant to this criterion.

- **Serves rural populations:** Applicants should describe the extent to which they would serve rural communities. The more the project would concentrate its efforts on rural populations, the more likely it will score a meets or exceeds expectations in this category.

Applicants should also detail their strategy for serving rural Californians. The strategy should consider the challenges they face—economic, geographic, political, and otherwise—to safe and reliable housing. Likewise, it should address the likely challenges to providing services. Proposals ought to explain how the project will prioritize outreach and services to rural areas rather than just affirm their eligibility.

The California Commission on Access to Justice recommends defining “rural” as areas that meet the medical service study area (MSSA) standard for “rural” or “frontier.” The California Office of Statewide Health Planning and Development identifies MSSAs using sub-county clusters of census tracts. The California Commission on Access to Justice argues that MSSA categories of rural and frontier—as opposed to urban—are better suited than counties to classify rural areas. Rural MSSAs have 50,000 or fewer residents and population densities below 250 people per square mile. “Frontier” MSSAs have population densities of fewer than 11 people per square mile.<sup>3</sup>

- **Serves underserved populations:** Applicants should describe the extent to which they would serve underserved communities. The more the project would concentrate its efforts on underserved populations, the more likely it will score a meets or exceeds expectations in this category.

Applicants should also detail their strategy for serving underserved communities. The strategy should consider the challenges they face—economic, geographic, political, and otherwise—to safe and reliable housing. Likewise, it should address the likely challenges to providing services. Proposals ought to explain how the project will prioritize outreach and services to underserved communities rather than just affirm their eligibility.

These funds are limited to serving those who are indigent under Business and Professions Code section 6213(d). Therefore, this criterion asks how the targeted population faces even higher barriers to accessing civil justice than do indigent people generally. Additionally, since “serves rural populations” is a separate criterion, this row refers to other ways a population is underserved. Such populations may be defined with respect to categories including, but not limited to: Race, ethnicity, age, limited English-

<sup>3</sup> MSSA data is available on the California State Geoportal at <https://gis.data.ca.gov/datasets/CHHSAgency::medical-service-study-areas/explore?filters=eyJERUJlUSU9OjpbIlJ1cmFslwiRnJvbnRpZXliXX0%3D&location=36.206796%2C-118.684374%2C7.63>. This link provides data with the following filters for definition: “Rural” and “Frontier.”



proficiency, disability, veteran status, and immigration status. The application should demonstrate that the targeted population is relatively underserved.

- **Project evaluation:** Applicants should describe a strategy—frequency, diversity of approaches, etc.—to assess the effectiveness of project services. The project should gather and analyze data in time to inform services strategy during the grant period. Dedicating financial and other resources to evaluation is relevant to this criterion.
- **Special consideration:** Applicants may receive additional points for proposing evidence-backed advocacy strategies. There is evidence to support the efficacy of full-scope representation in eviction cases. For other strategies, the applicant should cite to data (i.e. research/studies) supporting their efficacy.

Applicants may also receive points for proposing partnerships with or subgrants to community-based organizations and/or local jurisdictions. Those relationships must have existed as of June 30, 2022. Legislative staff has confirmed that the Budget Act means to confer a preference on existing partnerships. This is because similar funding might be unavailable in the future, and therefore unavailable to sustain new partnerships.

The number of special consideration points awarded may reflect the overall persuasiveness of the relevant project descriptions. This includes the strength and relevance to the project of the evidence-based advocacy, partnerships, or subgrants.

The following provide guidance for “not addressed,” “below expectations,” “meets expectations,” and “exceeds expectations”:

- **Not addressed:** A proposal that scores “not addressed” in a category/criterion fails to satisfy that criterion in a meaningful way or lacks the relevant nexus. A proposal might fail to satisfy a criterion in a meaningful way if it articulates only a vague intention to do so. A response might lack the relevant nexus to “serves rural populations,” for instance, if it would serve only an urban community.
- **Below expectations:** A proposal that scores “below expectations” in a category/criterion addresses that criterion but is insufficiently competitive or persuasive to justify a score of “meets expectations.” The proposal might aspire to do too little, for instance, such as only occasionally serving rural clients for the “serves rural populations” criterion. Or the proposal might lack sufficient detail, explanation, or basis in fact to demonstrate its contours or likelihood of success. Since such a proposal might still articulate a feasible project, this score confers some points.
- **Meets expectations:** A proposal that scores “meets expectations” in a category/criterion is competitive and persuasive with respect to that row of the rubric.

To be competitive, the proposal will be sufficiently ambitious and/or compelling to merit the use of competitive funds. To be persuasive, the proposal will describe circumstances sufficiently probative of the applicant's intention and ability to accomplish its stated objectives in that criterion.

- **Exceeds expectations:** A proposal that scores "exceeds expectations" in a category/criterion satisfies the standard for "meets expectations" while standing out as particularly compelling or impressive. A project might be especially compelling, for instance, because its strategies or partnerships would be unusually impactful. Or the proposal might be exceptionally detailed, thorough, evidence-driven, or otherwise well-conceived and convincing.

#### HP 4 Grantmaking Timeline:

Date(s)*	Activity
August 31, 2022	Committee approves RFP and scoring rubric
September 9, 2022	Staff releases application
October 10, 2022	Applications due
October 19, 2022	Committee advises the scoring team/calibrates the rubric
October 20-November 11, 2022	Commissioner-staff team scores applications
December 1, 2022	Committee recommends awards
December 13, 2022	Commission approves awards
January 1, 2023	Grant period starts

\*Dates are approximate to accommodate applicant, commissioner, and staff availability and needs.

#### RFP Application

A complete HP 4 application will include the components below. Please see the application instructions for detailed guidance.

1. **Form A: Project Profile**  
The project profile will include high-level information about the project such as its award request, other funding (if any), and abstract.
2. **Form B: Project Description**  
The project description will include detailed information about the project. This includes, for instance, the project's need, clients, partnerships, goals, activities, deliverables, and strategies for outreach, accessibility, and evaluation. It will also ask for detailed narratives about the applicant's qualifications and resources to perform the work effectively.
3. **Form C: Project Budget**

The budget will include information on how the program proposes to allocate HP 4 funds to the project for 1.5 years. Applicants will need to identify staff by their role (e.g. “Managing attorney” or “Housing attorney”) and estimate the amount of time that these roles would spend on the project. The project staff, budget, and description should be consistent with one another.

**4. Form D: Budget Narrative**

The budget narrative will include information about each line of the budget, noting whether the grant will directly pay for specific items or be allocated on a percentage or other basis.

**5. Form E: Project Assurances**

Each applicant will have to acknowledge that:

1. It agrees that it will use funds it receives from the 2023-2024 homelessness prevention (HP 4) grant only for purposes stated in its application. Should the State Bar determine in its sole discretion that the applicant is unlikely to use all funds received for these purposes within the grant period, the applicant will return funds to the State Bar as directed by the State Bar.
2. It will not discriminate based on race, color, national origin, religion, gender, disability, age, marital or domestic partnership status, medical condition, or sexual orientation.
3. It will comply with quality control procedures adopted by the State Bar of California (State Bar).
4. It will permit reasonable site visits and will present additional information deemed reasonably necessary to determine compliance with the terms of the grant.
5. It will comply with fiscal management and control procedures adopted by the State Bar.
6. It understands that any proposal submitted for an HP 4 grant, and all documents submitted pursuant to issuance of HP 4 funding, are public documents, and may be disclosed to any person.
7. It agrees it will file regular program and financial reports, as may be required by the State Bar, and cooperate with other data collection requests by the State Bar for this grant project.
8. The State Bar is permitted, in its sole discretion, to adjust Applicant’s award at

any time to reflect the actual amount of funding available for HP 4 grants. Consequently, grantees shall not be guaranteed any specific dollar amount in grant funds, or any grant funds at all, if funds received are insufficient or unavailable to the State Bar.

### **Reporting Requirements**

Demonstrating effective use of these funds is critical to supporting future funds. Grantees must, therefore, report quantitative and qualitative data describing their clients and activities. This data includes outcomes (main and economic benefits) tied to individual characteristics that demonstrate the value of these grants.

HP 4 grants must comply with the existing framework for Equal Access Program reporting except where necessary to meet other state requirements. Reporting requirements may be subject to guidance from the Department of Finance and other agencies. As such, some requirements might become known to the State Bar at a later date.

Reporting requirements will include:

#### **1. Annual Expenditure Reports**

Grantees will have to submit annual spending reports that compare expenditures to the approved budget. Grantees will have to report budget variances exceeding 10 percent to the State Bar as soon as possible.

#### **2. Annual Services/Case Reports**

Grantees will have to submit annual reports with client-level data on:

- A. Main benefits for all cases according to those codes and definitions in the *California Legal Aid Reporting Handbook* that are relevant to HP 4 funds. Programs will specify whether or not the main benefit is verified.
- B. Geographic and demographic data, tied to verified/not verified outcomes, for all clients.
- C. (To the extent possible) Economic benefits for cases that resulted in an award for or savings to the client.
- D. Highest levels of service for all cases where there was an attorney-client relationship and aggregated data about all other services (e.g. trainings) during the grant.
- E. Any other data necessary to comply with state reporting requirements.

#### **3. A Final Evaluation Report**

In addition to the regular services reports, organizations will have to submit a final evaluation about the following outputs and outcomes, among others:

- A. Service population: How did this project impact the people it served? What changed for them, or what negative outcomes were prevented?
- B. Community impact: Describe whether and how this project has changed the community it serves.
- C. Evaluation/Assessment: Describe the processes used to assess the effectiveness of this project and any lessons learned regarding the project itself or the community it serves.
- D. Reports: Upload any report completed regarding the evaluation or assessment of this project or demonstrating the effect of services rendered (e.g., client satisfaction survey results, pre and post test results, number of cases in which stipulations were reached, number of trials, outcome of trials, etc.).
- E. Other impacts: Will this project have any immediate or long-term impacts that are not already captured in main benefits reporting?
- F. Continuation of the project: Describe any plans to continue the project after the grant period.
- G. Publications: Describe any future publication or distribution plans for materials resulting from grant activities; provide the URL for online resources related to this project (web sites, resource libraries, etc.).
- H. Impact work and materials:
  - Overview of impact litigation cases: For any grant-funded impact cases your organization litigated as part of this project during the grant period, whether open or closed, report the case name, number of individuals estimated to be impacted, date filed, venue, and any partners or co-counsel also participating.
  - Overview of public policy advocacy activities: Describe any grant-funded public policy advocacy activities, such as regulatory advocacy, your organization engaged in during the grant period. Remember that the legislature prohibited using these funds for legislative advocacy.
  - Training and support activities: Describe any grant-funded training or other support activities not identified above. For support centers, use this space to

provide quantitative and qualitative data about trainings, convenings, research, and other support for qualified legal services projects.

**For Technical Support**

If you have any questions, please contact:

Christopher McConkey, Program Supervisor, at (213) 765-1505 or [Christopher.McConkey@calbar.ca.gov](mailto:Christopher.McConkey@calbar.ca.gov).

DRAFT