



The State Bar of California

OPEN SESSION AGENDA ITEM MARCH 2023 LEGAL SERVICES TRUST FUND COMMISSION 7.3

DATE: March 24, 2023

TO: Members, Legal Services Trust Fund Commission

FROM: Chris McConkey, Program Supervisor, Office of Access & Inclusion

SUBJECT: Report on HP 3 Grant Spending and Services

EXECUTIVE SUMMARY

The 2021/2022–2024 Homelessness Prevention (HP 3) grants last 36–37 months. Grantees have now reported on their spending and some services for the first year. This memo summarizes that data. It also proposes to reassess spend down in the summer or fall of 2023. At that time, it might be appropriate to reallocate HP 3 funds that would otherwise go unspent. That in turn could protect them for homelessness prevention legal services to indigent Californians.

BACKGROUND

The Budget Acts of 2021 and 2022 provided \$40 million and \$20 million respectively for homelessness prevention legal aid. Both appropriations use federal Coronavirus State Fiscal Recovery Funds. After administrative costs, 75 percent is for formula grants and 25 percent is for competitive ones to qualified legal services projects (QLSPs) and support centers.¹ This \$60 million is part of an expected \$80 million over three years.

In 2021, the Commission made 75 formula and 23 competitive grants using the expected \$80 million. The formula grants extend from December 1, 2021, to December 31, 2024 (37 months). The competitive grants extend from January 1, 2022, to December 31, 2024 (36 months).

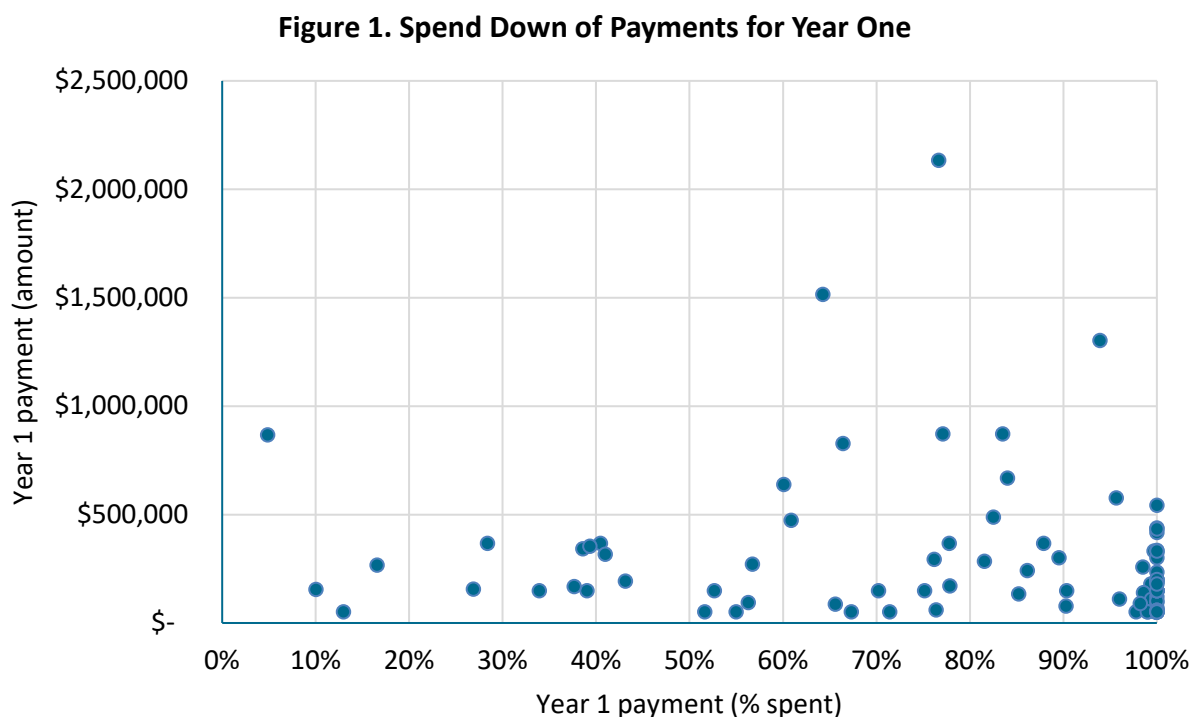
¹ See item 0250-162-8506 of section 2.00 of the Budget Act of 2021, available at leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB164. See also item 0250-162-8506 of section 2.00 of the Budget Act of 2022, available at leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB178.

Grantees have now reported on their spending and some services through December 2022—the first one-third of the grant.

DISCUSSION

Year one expenses

HP 3 grantees receive one-third of their award—about \$26 million combined—each year. Together, they spent 77 percent (\$19,929,574) of these first payments by the end of 2022. This left 23 percent (\$6,070,420) unspent.² Grantees spent more than 75 percent for 71 of the 98 awards. For 13 grants, they spent 50 to 75 percent. They spent under 50 percent on 14 grants:



See Attachment A for each grantee’s total spending in the first 12 to 13 months.

State Bar staff contacted programs about 29 awards that were at least 50 percent underspent as of September 30, 2022.³ Staff evaluated their explanations for reasonableness and provided technical assistance. That support included advice on revising budgets. The most common

² Total HP 3 spending during year one was actually \$318,375 higher (\$20,247,949). The difference is the amount that some programs reported spending in excess of their payment(s) for the first year. This memo excludes the \$318,375 when calculating statewide spend down for year one. That avoids masking the extent of underspending by other programs.

³ This was the most recent data available when staff contacted grantees. Expense reports for October–December 2022 were due in late January 2023.

reason for underspending was staff vacancies. Some grantees also reported delays common to launching a project such as taking time to perform outreach.

Year one services

For all 98 grants, staff also performed quantitative and/or qualitative analyses to gauge progress against first-year deliverables. Quantitative analyses compared cases closed, self-help clinics, workshops/trainings, outreach events, and hotline calls against application targets. Qualitative analyses included asking programs about services that are harder to count (e.g., housing policy work) or missing in the quarterly reports (e.g., online tools for tenants).⁴

HP 3 grantees closed 13,104 cases in the first 12 to 13 months. These are matters creating an attorney-client relationship—including “counsel and advice-only” cases. Grantees also reported the following services not typically creating an attorney-client relationship:

- 108 self-help clinics (with 779 participants);
- 698 workshops and trainings (with 22,197 participants);
- 706 outreach events (with 24,464 participants); and
- 7,148 hotline calls.

These totals may include returning clients. See Attachment B for services totals by grantee.

Assessing progress towards deliverables is subjective. Even measuring progress against numeric targets (e.g. 50 cases in year one) can understate a project’s impact. Nonetheless, staff endeavored to assess whether grants were at least 75 percent of the way towards their year one goals.

Staff contacted programs for at least 30 grants that it thought might be under target or about which it was unsure. Those programs have clarified or explained their progress. Staff reviewed all explanations for reasonableness and to provide technical assistance. Like for spenddown, common reasons for services delays were hiring challenges, staff turnover, and low demand for services at project launch.

Recommendation to reallocate projected unspent funds

At the end of 2022, 28 grants had more than \$50,000 left to spend. For these awards, programs will have to spend these funds plus their payments for years two and three. Forty-five awards had under \$1,000 left. They are on track to spend down by December 2024 and might be able to absorb more funding.

State Bar staff recommends reassessing HP 3 spending in the summer or fall of 2023. Programs will have reported spending for half of the grant period by this August. By then, they can likely

⁴ The qualitative look was especially important for support centers, who have 18 of the 98 grants. The quarterly reports ask about common, client-facing work such as legal representation, clinics, and hotline calls. These tend to be the services on which QLSPs focus. While support centers directly serve clients too, they mainly provide legal expertise and other support to QLSPs. See Attachment B for examples of HP 3-funded support center work.

make informed projections about their spending through December 2024. If those forecasts show significant funds leftover, the commission could seek to reallocate them by the end of 2023. That would give programs absorbing more HP 3 funding at least one year to spend it.

Reallocating HP 3 funds could significantly promote their spend down. Reallocating them this fall would balance forecasting accurately with providing sufficient time for programs to spend reallocated dollars.

CONCLUSION

Grantees have provided reasonable explanations to account for spending and services delays during the first year. State Bar staff recommends, however, reassessing spenddown after August 1, 2023. By minimizing unspent funds, the commission can protect their intended use for homelessness prevention legal aid.

ATTACHMENTS LIST

- A.** 2021–2022 HP 3 Spending by Grantee
- B.** 2021–2022 HP 3 Services by Grantee

Table 1. HP 3 Spending from December 2021/January 2022 to December 2022

HP 3 grantee	Formula or competitive	Payment for year 1	Spending in year 1	% of payment spent
Affordable Housing Advocates	Formula	\$50,000	\$6,491	13%
Aids Legal Referral Panel	Formula	\$50,000	\$50,000	100%
Alameda County Homeless Action Center	Formula	\$93,755	\$52,766	56%
Alliance for Children's Rights	Formula	\$323,254	\$340,722	105%
Asian Americans Advancing Justice Southern California	Formula	\$487,231	\$401,943	82%
Asian Pacific Islander Legal Outreach	Formula	\$63,025	\$63,025	100%
Bay Area Legal Aid	Formula	\$331,717	\$330,667	100%
Bay Area Legal Aid	Competitive	\$300,000	\$337,126	112%
Bet Tzedek Legal Services	Formula	\$637,797	\$383,208	60%
California Advocates for Nursing Home Reform	Formula	\$147,348	\$147,874	100%
California Indian Legal Services	Formula	\$170,699	\$132,883	78%
California Indian Legal Services	Competitive	\$256,667	\$252,792	98%
California Rural Legal Assistance Foundation	Formula	\$147,348	\$147,348	100%
California Rural Legal Assistance, Inc.	Formula	\$1,514,899	\$973,750	64%
California Rural Legal Assistance, Inc.	Competitive	\$366,667	\$148,358	40%
California Women's Law Center	Formula	\$147,348	\$57,488	39%
Central California Legal Services	Formula	\$871,253	\$727,548	84%
Centro Legal de la Raza	Formula	\$179,707	\$178,534	99%
Child Care Law Center	Formula	\$147,348	\$103,442	70%
Coalition of California Welfare Rights Organizations	Formula	\$147,348	\$77,582	53%
Community Legal Aid SoCal	Formula	\$541,473	\$541,473	100%
Community Legal Aid SoCal	Competitive	\$333,333	\$333,333	100%
Community Legal Services in East Palo Alto	Formula	\$138,517	\$136,510	99%
Contra Costa Senior Legal Services	Formula	\$50,000	\$49,937	100%
Disability Rights California	Formula	\$2,132,929	\$1,634,841	77%
Disability Rights Education and Defense Fund	Formula	\$147,348	\$155,313	105%
Disability Rights Legal Center	Formula	\$188,236	\$238,335	127%
Elder Law & Advocacy	Formula	\$108,375	\$107,756	99%
Eviction Defense Collaborative	Formula	\$50,000	\$25,808	52%

HP 3 grantee	Formula or competitive	Payment for year 1	Spending in year 1	% of payment spent
Eviction Defense Collaborative	Competitive	\$341,667	\$131,811	39%
Family Violence Appellate Project	Formula	\$147,348	\$50,001	34%
Family Violence Law Center	Formula	\$50,000	\$48,898	98%
Greater Bakersfield Legal Assistance	Formula	\$353,018	\$138,906	39%
Harriett Buhai Center for Family Law	Formula	\$134,018	\$114,198	85%
Housing and Economic Rights Advocates	Formula	\$50,000	\$50,000	100%
Housing and Economic Rights Advocates	Competitive	\$366,667	\$285,228	78%
Immigrant Legal Resource Center	Competitive	\$110,000	\$105,600	96%
Inland Counties Legal Services	Formula	\$1,301,642	\$1,222,456	94%
Inland Counties Legal Services	Competitive	\$416,667	\$416,670	100%
Inner City Law Center	Formula	\$436,997	\$436,997	100%
Inner City Law Center	Competitive	\$433,333	\$433,333	100%
Justice & Diversity Center of the Bar Association of San Francisco	Formula	\$95,113	\$97,232	102%
Justice in Aging	Formula	\$147,348	\$155,723	106%
Justice in Aging	Competitive	\$200,000	\$201,943	101%
LACBA Counsel for Justice	Formula	\$58,987	\$45,053	76%
Law Foundation of Silicon Valley	Formula	\$199,349	\$199,349	100%
Lawyers' Committee for Civil Rights	Formula	\$189,748	\$214,995	113%
Legal Access Alameda	Formula	\$50,000	\$49,515	99%
Legal Aid at Work	Formula	\$331,077	\$339,394	103%
Legal Aid at Work	Competitive	\$233,333	\$233,333	100%
Legal Aid Foundation of Los Angeles	Formula	\$827,527	\$549,493	66%
Legal Aid Foundation of Los Angeles	Competitive	\$270,000	\$153,126	57%
Legal Aid Foundation of Santa Barbara County	Formula	\$69,828	\$73,603	105%
Legal Aid of Marin	Formula	\$50,000	\$50,000	100%
Legal Aid of Marin	Competitive	\$120,000	\$120,000	100%
Legal Aid of Sonoma County	Formula	\$100,463	\$111,115	111%
Legal Aid of Sonoma County	Competitive	\$293,333	\$223,418	76%
Legal Aid Society of San Bernardino	Formula	\$156,184	\$41,992	27%
Legal Aid Society of San Bernardino	Competitive	\$316,667	\$129,755	41%
Legal Aid Society of San Diego	Formula	\$575,927	\$551,007	96%

HP 3 grantee	Formula or competitive	Payment for year 1	Spending in year 1	% of payment spent
Legal Aid Society of San Mateo County	Formula	\$57,859	\$60,987	105%
Legal Assistance for Seniors	Formula	\$50,000	\$27,492	55%
Legal Assistance to the Elderly	Formula	\$50,000	\$49,929	100%
Legal Services for Children	Formula	\$50,000	\$50,000	100%
Legal Services for Seniors	Formula	\$76,756	\$69,297	90%
Legal Services of Northern California	Formula	\$870,793	\$671,380	77%
Los Angeles Center for Law and Justice	Competitive	\$283,333	\$231,028	82%
McGeorge Community Legal Services	Formula	\$85,586	\$56,139	66%
Mental Health Advocacy Services	Formula	\$50,000	\$50,000	100%
National Center for Youth Law	Formula	\$147,348	\$147,356	100%
National Housing Law Project	Formula	\$147,348	\$179,738	122%
National Housing Law Project	Competitive	\$166,667	\$62,784	38%
Neighborhood Legal Services	Formula	\$668,251	\$561,508	84%
Neighborhood Legal Services	Competitive	\$366,667	\$322,192	88%
OneJustice	Formula	\$147,348	\$155,312	105%
OneJustice	Competitive	\$200,000	\$200,000	100%
Public Advocates Inc.	Formula	\$241,619	\$208,101	86%
Public Counsel	Formula	\$866,773	\$42,131	5%
Public Counsel	Competitive	\$366,667	\$104,016	28%
Public Interest Law Project	Formula	\$147,348	\$221,022	150%
Public Law Center	Formula	\$472,967	\$287,970	61%
Public Law Center	Competitive	\$300,000	\$268,577	90%
Riverside Legal Aid	Formula	\$154,633	\$15,503	10%
San Diego Volunteer Lawyer Program	Formula	\$179,239	\$179,239	100%
San Luis Obispo Legal Assistance Foundation	Formula	\$50,000	\$35,706	71%
San Luis Obispo Legal Assistance Foundation	Competitive	\$191,667	\$82,663	43%
Santa Clara County Asian Law Alliance	Formula	\$52,105	\$51,967	100%
Senior Adults Legal Assistance	Formula	\$50,000	\$33,655	67%
Senior Advocacy Network	Formula	\$50,000	\$49,484	99%
Senior Citizens Legal Services	Formula	\$50,000	\$50,000	100%
Social Justice Collaborative	Formula	\$50,000	\$75,000	150%

HP 3 grantee	Formula or competitive	Payment for year 1	Spending in year 1	% of payment spent
USD School of Law Legal Clinics	Formula	\$89,569	\$87,977	98%
USD School of Law Legal Clinics	Competitive	\$266,667	\$44,160	17%
Veterans Legal Institute	Formula	\$58,227	\$58,227	100%
Watsonville Law Center	Formula	\$50,000	\$50,000	100%
Western Center on Law and Poverty	Formula	\$147,348	\$110,711	75%
Youth Law Center	Formula	\$147,348	\$133,105	90%
Yuba-Sutter Legal Center for Seniors	Formula	\$50,000	\$52,596	105%

Total: \$25,999,994 \$20,247,949*

* Total HP 3 spending during year one was \$20,247,949. Removing \$318,375 in overspending—see percentages above 100—total spending from year one payments was \$19,929,574.

Table 2. Select HP 3 Services from December 2021/January 2022 to December 2022

Note: This table lists the services (e.g. workshops/trainings) that feature in HP 3 quarterly reporting. These services are the core of many HP 3 projects. Grantees may, however, use HP 3 funds to perform critically important work outside of these categories.

HP 3 grantee	Formula or competitive	QLSP or SC*	Cases closed	Self-help clinics	Workshops/trainings	Outreach events	Hotline calls
Affordable Housing Advocates	HP Formula	QLSP	3	0	0	0	0
Aids Legal Referral Panel	HP Formula	QLSP	63	0	0	12	0
Alameda County Homeless Action Center	HP Formula	QLSP	0	0	0	0	0
Alliance for Children's Rights	HP Formula	QLSP	22	0	10	0	0
Asian Americans Advancing Justice - Los Angeles	HP Formula	QLSP	44	10	4	12	199
Asian Pacific Islander Legal Outreach	HP Formula	QLSP	35	1	16	24	545
Bay Area Legal Aid	HP Formula	QLSP	152	0	7	0	11
Bay Area Legal Aid	Competitive	QLSP	273	0	3	1	561
Bet Tzedek Legal Services	HP Formula	QLSP	34	0	5	2	89
California Advocates for Nursing Home Reform	HP Formula	SC	13	0	26	5	1002
California Indian Legal Services	HP Formula	QLSP	37	0	0	0	0
California Indian Legal Services	Competitive	QLSP	29	0	0	0	0
California Rural Legal Assistance Foundation	HP Formula	SC	20	1	4	1	0
California Rural Legal Assistance, Inc.	HP Formula	QLSP	860	12	0	0	601
California Rural Legal Assistance, Inc.	Competitive	QLSP	82	23	41	11	0
California Women's Law Center	HP Formula	SC	0	4	2	0	0
Central California Legal Services	HP Formula	QLSP	117	0	5	1	0
Centro Legal de la Raza	HP Formula	QLSP	181	0	12	1	0
Child Care Law Center	HP Formula	SC	19	0	35	1	97
Coalition of California Welfare Rights Organizations	HP Formula	SC	0	0	0	0	0

HP 3 grantee	Formula or competitive	QLSP or SC*	Cases closed	Self-help clinics	Workshops/ trainings	Outreach events	Hotline calls
Community Legal Aid SoCal	HP Formula	QLSP	873	0	2	13	0
Community Legal Aid SoCal	Competitive	QLSP	122	0	36	21	0
Community Legal Services in East Palo Alto	HP Formula	QLSP	77	0	2	3	0
Contra Costa Senior Legal Services	HP Formula	QLSP	283	0	8	8	0
Disability Rights California	HP Formula	QLSP	619	0	7	14	18
Disability Rights Education and Defense Fund	HP Formula	SC	12	0	6	1	31
Disability Rights Legal Center	HP Formula	QLSP	17	0	3	0	91
Elder Law & Advocacy	HP Formula	QLSP	101	0	9	1	0
Eviction Defense Collaborative	HP Formula	QLSP	9	0	0	0	0
Eviction Defense Collaborative	Competitive	QLSP	3	0	0	0	0
Family Violence Appellate Project	HP Formula	SC	0	0	7	0	0
Family Violence Law Center	HP Formula	QLSP	51	0	0	0	0
Greater Bakersfield Legal Assistance	HP Formula	QLSP	56	0	26	19	0
Harriett Buhai Center for Family Law	HP Formula	QLSP	143	0	0	0	279
Housing and Economic Rights Advocates	HP Formula	QLSP	42	0	0	3	0
Housing and Economic Rights Advocates	Competitive	QLSP	83	0	0	0	5
Immigrant Legal Resource Center	Competitive	SC	2	0	5	4	0
Inland Counties Legal Services	HP Formula	QLSP	1673	0	0	0	0
Inland Counties Legal Services	Competitive	QLSP	120	0	0	0	0
Inner City Law Center	HP Formula	QLSP	133	0	1	1	0
Inner City Law Center	Competitive	QLSP	9	8	10	14	0
Justice & Diversity Center of the Bar Association of San Francisco	HP Formula	QLSP	13	0	0	0	0
Justice in Aging	HP Formula	SC	0	0	9	0	0
Justice in Aging	Competitive	SC	0	0	16	4	0
LACBA Counsel for Justice	HP Formula	QLSP	31	5	15	0	0
Law Foundation of Silicon Valley	HP Formula	QLSP	145	0	22	20	0
Lawyers' Committee for Civil Rights	HP Formula	QLSP	34	0	0	0	0
Legal Access Alameda	HP Formula	QLSP	411	0	0	0	0

HP 3 grantee	Formula or competitive	QLSP or SC*	Cases closed	Self-help clinics	Workshops/ trainings	Outreach events	Hotline calls
Legal Aid at Work	HP Formula	QLSP	37	0	16	37	0
Legal Aid at Work	Competitive	QLSP	63	0	0	0	0
Legal Aid Foundation of Los Angeles	HP Formula	QLSP	144	0	1	0	0
Legal Aid Foundation of Los Angeles	Competitive	QLSP	24	0	7	0	0
Legal Aid Foundation of Santa Barbara County	HP Formula	QLSP	32	0	0	2	0
Legal Aid of Marin	HP Formula	QLSP	197	0	15	120	0
Legal Aid of Marin	Competitive	QLSP	331	0	27	98	0
Legal Aid of Sonoma County	HP Formula	QLSP	101	0	2	13	0
Legal Aid of Sonoma County	Competitive	QLSP	41	0	1	5	24
Legal Aid Society of San Bernardino	HP Formula	QLSP	143	0	0	0	0
Legal Aid Society of San Bernardino	Competitive	QLSP	65	0	0	0	0
Legal Aid Society of San Diego	HP Formula	QLSP	137	0	16	13	0
Legal Aid Society of San Mateo County	HP Formula	QLSP	16	0	4	7	0
Legal Assistance for Seniors	HP Formula	QLSP	297	0	0	0	918
Legal Assistance to the Elderly	HP Formula	QLSP	133	0	0	0	0
Legal Services for Children	HP Formula	QLSP	0	0	22	0	0
Legal Services for Seniors	HP Formula	QLSP	453	0	6	41	0
Legal Services of Northern California	HP Formula	QLSP	658	0	1	4	0
Los Angeles Center for Law and Justice	Competitive	QLSP	20	0	5	0	0
McGeorge Community Legal Services	HP Formula	QLSP	28	0	4	0	0
Mental Health Advocacy Services	HP Formula	QLSP	22	0	0	0	0
National Center for Youth Law	HP Formula	SC	0	0	85	8	0
National Housing Law Project	HP Formula	SC	0	0	0	0	0
National Housing Law Project	Competitive	SC	0	0	0	0	0
Neighborhood Legal Services	HP Formula	QLSP	1436	2	5	7	1441
Neighborhood Legal Services	Competitive	QLSP	165	10	13	19	288
OneJustice	HP Formula	SC	0	0	7	0	0
OneJustice	Competitive	SC	0	0	4	2	0
Public Advocates Inc.	HP Formula	QLSP	0	0	5	1	0
Public Counsel	HP Formula	QLSP	96	0	11	7	0

HP 3 grantee	Formula or competitive	QLSP or SC*	Cases closed	Self-help clinics	Workshops/ trainings	Outreach events	Hotline calls
Public Counsel	Competitive	QLSP	51	27	5	2	0
Public Interest Law Project	HP Formula	SC	0	0	0	0	0
Public Law Center	HP Formula	QLSP	144	2	2	7	43
Public Law Center	Competitive	QLSP	34	0	8	9	7
Riverside Legal Aid	HP Formula	QLSP	110	0	2	6	658
San Diego Volunteer Lawyer Program	HP Formula	QLSP	50	0	3	1	0
San Luis Obispo Legal Assistance Foundation	HP Formula	QLSP	40	0	0	4	0
San Luis Obispo Legal Assistance Foundation	Competitive	QLSP	26	0	0	3	0
Santa Clara County Asian Law Alliance	HP Formula	QLSP	24	0	3	4	0
Senior Adults Legal Assistance	HP Formula	QLSP	23	0	0	0	0
Senior Advocacy Network	HP Formula	QLSP	181	0	7	22	30
Senior Citizens Legal Services	HP Formula	QLSP	205	0	4	1	0
Social Justice Collaborative	HP Formula	QLSP	347	0	0	0	0
USD School of Law Legal Clinics	HP Formula	QLSP	15	0	0	10	0
USD School of Law Legal Clinics	Competitive	QLSP	24	0	7	23	210
Veterans Legal Institute	HP Formula	QLSP	84	0	6	0	0
Watsonville Law Center	HP Formula	QLSP	28	2	1	1	0
Western Center on Law and Poverty	HP Formula	SC	15	1	28	19	0
Youth Law Center	HP Formula	SC	0	0	11	13	0
Yuba-Sutter Legal Center for Seniors	HP Formula	QLSP	18	0	0	0	0

Total: 13,104 108 698 706 7,148

* This table focuses on legal aid to indigent Californians. While support centers (SCs) often serve these clients directly, they typically do so by providing legal support to QLSPs. The table, therefore, likely understates the volume of SC work. SCs will have more opportunities to report quantitatively about their HP 3 services starting in 2023.

In 2022, HP 3-funded SCs provided:

- **Trainings:** SCs held legal trainings and workshops for QLSPs, other community-based organizations, and the public on a range of homelessness prevention law issues. Most events related to housing law topics such as eviction moratoria.
- **Technical assistance:** SCs provided substantive law and project design and evaluation advice to QLSPs and community advocates. They did this through consultations, resource libraries, and other written materials. Areas that technical assistance addressed included tenants' rights, mobilehome owners' rights, and public benefits.
- **Advocacy support:** SCs provided policy and case advocacy in partnership with QLSPs. The advocacy support was in housing, immigration, disability, and health law, among other areas of law.
- **Meetings:** SCs participated in meetings with QLSPs, other community-based organizations, and government agencies to evaluate and guide developments in homelessness prevention law. These meeting often related to local and statewide housing laws, public benefits, disability rights, and protecting affordable housing.