

ABA/ NLADA 2005 Equal Justice Conference

Roundtable on Expanding Sources of Federal Funding

I. Department of Housing and Urban Development (HUD)

- A. Fair Housing Initiatives Programs (FHIP): \$17.6 million awarded for FY2004; \$20 million appropriated for FY2005 (level funding)
FHIP grantees provide assistance to individuals who believe they have been victims of housing discrimination. <http://www.hud.gov/offices/ftheo/partners/FHIP/fhip.cfm>
Three FHIP Initiatives provide competitive grants to eligible organizations:
1. Private Enforcement Initiative (PEI): In FY2004, about \$11.8 million was awarded for 12 to 18 month grants of up to \$220,000 to assist private, tax-exempt fair housing enforcement organizations in the investigation and enforcement of alleged violations of the Fair Housing Act and substantially equivalent State and local fair housing laws.
 2. Education and Outreach Initiative (EOI): In FY2004, about \$3.7 million was allocated for one-year grants of up to \$100,000 to inform and educate the public about the rights and obligations under federal, state and local fair housing laws.
 3. Fair Housing Organizations Initiative (FHOI): In FY 2004, about \$2.1 million was awarded in two three-year grants of about \$1 million each for projects that serve rural and immigrant populations in areas where there currently is no existing fair housing organization, or are otherwise under-served.
- B. Housing Counseling Programs: \$36 million awarded for FY2004 (\$2.5 million awarded specifically to combat predatory lending; \$1.7 million awarded specifically for counseling in conjunction with Section 8 Homeownership Voucher Program); \$42 million appropriated for FY2005 (\$2 million increase)
HUD funds housing counseling agencies throughout the country to give advice on buying a home, renting, mortgage delinquency and defaults, foreclosures, predatory lending, credit issues and reverse mortgages. Organizations that apply for grants must first be approved by HUD and are subject to biennial performance reviews to maintain their HUD-approved status.
<http://www.hud.gov/offices/hsg/sfh/hcc/hccprof13.cfm> (information on how to become a HUD-approved Housing Counseling Agency)
- C. Continuum of Care Homeless Assistance Programs: \$1.24 billion (with a B) awarded for FY2004; \$1.25 billion appropriated for FY2005 (\$10 million decrease)
Civil legal aid programs generally have received funding under the Supportive Housing Program (SHP) of this grant¹. In addition to funding housing that has a supportive environment, SHP funds projects that include supportive services for homeless people not living in supportive housing, that helps them to move to permanent housing (e.g. money for first month's rent and security deposits). Almost any services aimed at moving homeless participants to independence are eligible for SHP support. <http://www.hud.gov/offices/cpd/homeless/programs/shp/index.cfm>

¹ Out of a total of more than 4,400 local programs funded by Homeless Assistance Continuum of Care grants, the following civil legal aid programs received funding under the **FY2004 SHP grants**: Legal Aid of Napa (\$15,000); Legal Services of Greater Miami (\$106,994); Legal Aid Society of Hawaii (\$129,339); Prairie State Legal Services (\$150,000); Land of Lincoln Legal Assistance Foundation (\$131,888 & \$47,584); Greater Boston Legal Services (\$173,726); South Middlesex Legal Services (\$48,507); Southern Minnesota Regional Legal Services (\$98,960); Legal Services of Eastern Missouri (\$80,302); Legal Services of the Hudson Valley (\$58,614); Nassau/Suffolk Law Services Committee (\$139,232 & \$208,848); Community Legal Aid Services, Ohio (\$58,614); Legal Aid Services of Oklahoma (\$111,920); MidPenn Legal Services (\$209,790); Texas RioGrande Legal Aid (\$109,999); Legal Aid of North West Texas (\$22,932 & \$180,000); Legal Action of Wisconsin (\$80,536 & \$48,000)

- D. **Emergency Shelter Grants (ESG) Program: \$159 million awarded for FY2005**
a formula grant program awarded on the basis of the Consolidated Plan that states and local jurisdictions fill out. Grantees, which are state governments, large cities, urban counties, and U.S. territories, make these funds available to eligible recipients, which can be either local government agencies or private nonprofit organizations. These subgrantees, which actually run the homeless assistance projects, apply for ESG funds to the governmental grantee, and not to HUD. Some ESG grantees make funds available for homeless prevention assistance to persons at imminent risk of losing their housing due to eviction, foreclosure, or utility shutoffs.
<http://www.hud.gov/offices/cpd/homeless/programs/esg/index.cfm>
- E. **Housing Opportunities for Persons with AIDS (HOPWA): \$20 million awarded in FY2004 (small decrease in FY2005 funding)**
Although a few civil legal aid programs have received grants under this program in the past, in FY2004 HUD awarded only renewal grants to 22 projects, to provide permanent supportive housing assistance and supportive services in connection with other housing efforts over three years of funding. None of the projects directly receiving a FY2004 grant were civil legal aid programs, although Georgia Legal Services is a project partner on one.
<http://www.hud.gov/offices/cpd/aidshousing/programs/index.cfm>
- F. **Rural Housing and Economic Development (RHED): \$24.5 million awarded in FY 2004; \$24 million appropriated for FY2005 (\$1 million decrease)**
Enacted in 1999, RHED provides grants to non-profit organizations to support capacity building, housing, and economic development programs. Possible uses of these grants include homeownership and financial counseling; financial assistance to homeowners; creating micro-enterprises and small business incubators; and establishing lines of credit or revolving loan pools. In the past, only a few civil legal aid programs have taken advantage of this source of funding (FY2003 grants to Georgia Legal Services and Texas Rural Legal Aid, ongoing grants to West Tennessee Legal Services).
<http://www.hud.gov/offices/cpd/economicdevelopment/programs/rhed/index.cfm>
- G. **Technical Assistance (TA) for CDBG: \$1.2 million awarded in FY2004; overall CDBG budget cut from \$4.33 billion in FY2004 to \$4.15 billion in FY2005**
Most CDBG grants are awarded on a formula basis to cities and states, which then disburse the money at the local level. The Community Development Technical Assistance Program is one of the few CDBG discretionary grants awarded directly by HUD. Only five national community development organizations received awards directly from HUD in FY2004 to assist communities from across the country to better management their CDBG programs; none of them are civil legal aid programs.
- H. **Miscellaneous/other**
- Colonias: Texas, Arizona, California and New Mexico set aside up to 10 percent of their State CDBG funds for use in colonias
<http://www.hud.gov/offices/cpd/communitydevelopment/programs/colonias/cdbgcolonias.cfm>

II. Department of Justice (DOJ)

A. Office on Violence Against Women

1. **Legal Assistance for Victims (LAV) Grant Program: \$33.6 million awarded to 78 organizations for FY2004**

These grants are for providing direct legal services to victims of domestic violence, sexual assault, and stalking in matters arising from the abuse or violence. Award periods are for 24 months, with grant amounts varying based upon the size of the area to be served. The competition for LAV funding has grown dramatically in recent years, while the amount available has remained stagnant. Continuation of funding for successive award periods is far from guaranteed. Recently, even well established legal services programs that submitted solid applications have not received successive awards.
2. **Family Justice Center Initiative: \$20 million awarded in FY2004**

This is a pilot program for 15 communities² to develop a single comprehensive domestic violence victim service and support center. The centers are supported with “bundled” funds from the Grants to Encourage Arrest and Enforcement of Protection Orders Program; the Rural Domestic Violence and Child Victimization Enforcement Program; and the Legal Assistance for Victims Program.
3. **Rural Domestic Violence and Child Victimization Enforcement Program: \$39.2 million appropriated in FY2004; level funding in FY2005**

In the past, funds have been divided about equally among states, Indian tribes and nonprofit domestic violence victim services programs; only a few legal services programs have received this source of funding directly (e.g. Alaska Legal Services in FY2003, North Dakota Legal Services in FY2002).
4. **S*T*O*P Violence Against Women Grant Program: \$166.6 million appropriated in FY2004; increased to \$187.1 million appropriated for FY2005**

This is a formula or “block” grant program, so only states, territories and tribal governments are eligible to apply directly to DOJ for funds, but local subgrants have been available for legal services programs from these sources in the past.

B. Other DOJ Offices: subgrants under formula “block” grants

- Office of Juvenile Justice and Delinquency Prevention (e.g., West Tennessee Legal Services: \$151,000 from Juvenile Justice and Delinquency Prevention Block Grant)
- Office for Victims of Crime (e.g., Kansas Legal Services: \$90,305 from Victims of Crime Block Grant).

² The following are the 15 communities, with \$150,000 from each grant going to the designated legal services provider: Sitka Tribe of Alaska (Alaska Network on Domestic Violence and Sexual Assault); Oakland, CA (Family Violence Law Center); Tampa, FL (Bay Area Legal Services); Nampa, ID (Idaho Legal Aid Services); South Bend, IN (Legal Assistance for Victims); Monroe, LA (Legal Assistance for Victims); Boston, MA (Greater Boston Legal Services); St. Louis, MO (Legal Services of Eastern Missouri); Las Vegas, NM; Buffalo, NY (Neighborhood Legal Services); Brooklyn, NY (Sanctuary For Families); Tulsa, OK; Defiance, OH (Legal Aid of Western Ohio); Knoxville, TN (Legal Aid of East Tennessee); and San Antonio, TX (Texas Rio Grande Legal Aid)

III. Department of Health and Human Services (HHS)

- A. Health Resources and Services Administration, HIV/AIDS Bureau:
Ryan White CARE Act (overall Comprehensive Care funding increased by \$45 million to \$1.13 billion for FY2005)
Some legal services providers receive funding under the Title I or II block grants of the Ryan White CARE Act, as part of a state or metropolitan area's Support Services budget. The legal services provided under this Act must be directly necessitated by a person's HIV status including: preparation of powers of attorney, do not resuscitate orders, wills, trusts, preparation for custody options for dependents including standby guardianship, joint custody, or adoption, bankruptcy proceedings, and interventions necessary to ensure access to eligible benefits, including discrimination or breach of confidentiality litigation.
Grantee contact lists:
<http://hab.hrsa.gov/programs/t1list.htm> (Title I, metropolitan areas)
<http://hab.hrsa.gov/programs/t2roster.htm> (Title II, states)
- B. Administration on Aging (AoA): level funding in FY2004 and FY2005
Through block grants to states, which are disbursed by local Area Agencies on Aging (AAA), approximately 1,000 legal services advocates nationwide, as well as 25 senior legal hotlines and six pension counseling projects, are funded under Title III of the Older Americans Act (OAA). A few legal services programs are also funded under Title III by their AAA to advocate as Community Long-Term Care Ombudsmen in their service area.

AoA also has discretionary grants that it awards directly under Title IV of OAA each year, generally to statewide senior legal hotlines and national research and assistance projects.
- C. Administration on Children and Families (ACF)
1. Discretionary grants: Unaccompanied Alien Children
2. Block grants: Child Support Enforcement (Title IV-D), Office of Refugee Resettlement (victims of trafficking), LIHEAP
- D. Other programs (e.g. AoA Medicare fraud grants)

IV. Internal Revenue Service (IRS)

Low Income Taxpayer Clinics: \$7.5 million awarded in each year in matching fund grants; in 2004 to 135 organizations (including 50 civil legal aid programs) and in 2005 to 145 organizations (including 54 civil legal aid programs)
Organizations represent low-income taxpayers involved in tax disputes with the IRS and/or advise taxpayers with limited English proficiency. Grant amounts range from \$6,500 to \$85,000.

V. Department of Agriculture (USDA)

Food & Nutrition Service: Food Stamp Outreach Grants (\$2 million awarded for FY2004)

A handful of legal aid programs have received grants from USDA, with a maximum award for each grant of \$125,000, to conduct community events, education campaigns, pre-screening and application assistance, to raise awareness of the food stamp program's availability and benefits. Programs that have received these grants include Nebraska Legal Services, Lone Star Legal Aid, and West Tennessee Legal Services.

<http://www.fns.usda.gov/fsp/outreach/grants/2004/summary.htm> (FY2004 summary of grants awarded)

VI. Social Security Administration (SSA)

A. Office of Employment Support Programs, Benefits Planning, Assistance and Outreach (BPAO) Program: 114 participating organizations across US, reauthorized in 2004 for another 5 years

The program's goal is to better enable all SSA beneficiaries with disabilities to make informed choices about work. Benefits Specialists provide work incentives planning and assistance to beneficiaries with disabilities.

Civil legal aid programs funded for FY2004 include: Legal Services of Northern California (\$238,450); Neighborhood Legal Services, Buffalo NY (\$223,652); Legal Aid Society of Greater Cincinnati (\$116,021); and Legal Aid of Western Ohio (\$199,600).

<http://www.ssa.gov/work/ServiceProviders/bpaofactsheet.html>

B. Office of Employment Support Programs, Work Incentives Assistance Program to Protection & Advocacy Systems: 57 grants totaling \$6.725 million for FY2005
P&A systems assist individuals with disabilities who receive SSDI or SSI benefits in obtaining information and advice about receiving vocational rehabilitation and employment services, and provide advocacy or other related services that beneficiaries with disabilities may need to secure or regain gainful employment.

Civil legal aid programs funded for FY2005 include: Community Legal Aid Society, Delaware (\$100,000); Legal Aid Society of Minneapolis (\$100,000); and Guam Legal Services Corporation (\$50,000).

<http://www.ssa.gov/work/ServiceProviders/pafactsheet.html>

VII. Department of Labor (DOL)

- A. Employment & Training Administration (<http://www.doleta.gov/>)
- Work Incentive Grants: have not gone to legal services programs
 - Welfare-to-Work Program: ended on 9/30/04
- B. Center for Faith-Based and Community Initiatives: Ready4Work Prisoner Reentry Initiative (<http://www.dol.gov/cfbci/Ready4Work.htm>) funded by DOL, DOJ and a consortium of private foundations
- C. Miscellaneous
Bush's FY2006 budget proposes consolidating the four major DOL job training programs under the Workforce Investment Act (WIA), introducing Innovation Training Accounts (ITAs), and continuing DOL's role in the Prisoner Re-entry Initiative.

The full House approved HR 27 (WIA reauthorization) on a partisan vote; it mirrors administration proposals by merging three programs – Adult Job Training, Dislocated Workers and Employment Services Grants – into a single funding stream.

VIII. Department of Commerce

National Telecommunications and Information Administration,
Technology Opportunities Program: \$14.4 million awarded in FY2004 to 27 organizations (no legal services programs); program eliminated in FY2005
http://www.ntia.doc.gov/otiahome/top/grants/briefhistory_gf.htm

Past civil legal aid recipients included:

- Legal Services Corporation of Iowa (10/01 – 3/05), \$499,651
- Legal Assistance Corporation of Central Massachusetts (10/01 – 2/05), \$354,291
- Pine Tree Legal Services (10/00 – 9/03), \$374,996
- Florida Rural Legal Services (10/98 – 3/02), \$245,438