## STAFF REPORT

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| **Agenda Item:** | 7 | **Name:** | Tillery Williams |
| **Proposed No**.: | 2019-0370 | **Date:** | February 26, 2020 |

**SUBJECT**

A motion acknowledging receipt of a report on county-funded civil legal aid services in compliance with the 2019-2020 Biennial Budget Ordinance, Ordinance 18835, Section 62, Proviso P1.

**SUMMARY**

Section 62, Proviso P1 of Ordinance 18835[[1]](#footnote-1), the 2019-2020 adopted biennial budget, requires the Executive to transmit a report on county-funded civil legal aid services. In accordance with the proviso requirements, the report includes a summary of civil legal aid services funded by the General Fund in 2017 and 2018, a summary of civil legal aid services funded by the Veterans, Seniors, and Human Services Levy (VSHSL) proceeds in 2018 and 2019, including amounts expended in 2018 and the adopted funding level for 2019, and identification of funding available for 2020 from applicable strategies and programs included in the VSHSL Implementation Plan to support contracted legal aid services that address the collateral consequences of criminal charges.

The proviso requires that Council pass a motion acknowledging receipt of the report in order to release $250,000 of appropriated funding to the Department of Community and Human Services (DCHS). The proposed motion, if passed by Council, would release those funds. Council staff has determined that the transmitted report generally meets the requirements of the proviso.

**BACKGROUND**

In the 2019-2020 adopted biennial budget, Council included a proviso which called on the King County executive to provide a detailed report of King County-Funded Civil Legal Aide Services. As stated in the report, civil legal aid services, also called “civil legal aid” and “legal aid,” are legal and law-related services that assist low-income persons and communities to avoid, resolve or mitigate the effects of non-criminal legal problems. Civil legal aid services help low-income persons and communities in legal proceedings and situations where they may be at risk of losing access to important statuses, services or basic needs. These can include housing, health care, employment, government benefits or the right to remain in the United States.[[2]](#footnote-2)

Section 62, Proviso P1 of the 2019-2020 adopted budget reads:

*Of this appropriation, $250,000 shall not be expended or encumbered until the executive transmits a report on county-funded civil legal aid services and a motion that should acknowledge receipt of the report and reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion, and a motion acknowledging receipt of the report is passed by the council.*

*The report shall include, but not be limited to:*

1. *A summary of civil legal aid services funded by the general fund in 2017 and 2018 including the dollar amount expended in each year;*
2. *A summary of civil legal aid services funded by veterans, seniors and human services levy proceeds in 2018 and in 2019, including the dollar amount expended in 2018 and the adopted funding level for 2019; and*
3. *Identification of funding available for 2020 from applicable strategies and programs included in the veterans, seniors and human services levy implementation plan, adopted in Ordinance 18768, to support contracted civil legal aid services that address the collateral consequences of criminal charges, such as housing and employment impacts, experienced by populations served by the levy. For each of the applicable strategies and programs identified with available funding, identify the amount of available funding from each of the strategy's or program's estimated allocated populations proceeds, as well as the total amount of available funding. For purposes of subsection C. of this proviso, "available funding" means additional or underspent levy proceeds allocated, or anticipated to be allocated, to a strategy or program included in the implementation plan. It should be noted that the council supports the funding level appropriated in this ordinance to contract with civil legal aid services to address the collateral consequences of criminal charges, such as housing and employment impacts, and this proviso is not an indication from the council that the funding level should be reduced.*

*The executive should file the report and a motion required by this proviso by August 30, 2019, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the budget and fiscal management committee, or its successor.*

**ANALYSIS**

The transmitted report is organized into three sections, each responsive to a subsection of the proviso. Each of those sections are covered below.

1. **A summary of civil legal aid services funded by the general fund in 2017 and 2018 including the dollar amount expended in each year.**

As indicated in the report, General Fund expenditures for civil legal aid services in 2017 and 2018 equaled the amount appropriated in the adopted 2017-2018 biennial budget ($1,136,643). Of that amount, $560,971 was expended in 2017 and $575,672 was expended in 2018.

Table 1, as provided in the report, details civil legal aid services funded by the General Fund in 2017 and 2018 and the dollar amount expended in each year.[[3]](#footnote-3)

**Table 1. 2017-2018 DCHS Administered and General Fund-Funded Civil Legal Aid**

| **Provider Name** | **Summary of Services** | **2017** | **2018** | **2017-2018 Allocation Total** |
| --- | --- | --- | --- | --- |
| **DAWN Legal Advocacy** | Provision of legal advocacy to victims of domestic violence | $15,019 | $15,413 | $30,432 |
| **Eastside Legal Assistance Program** | Provision of civil legal advocacy to survivors of domestic violence | $70,105 | $71,941 | $142,046 |
| Partnership with DAWN-South King County Attorney Services: provision of civil legal advocacy, systemic advocacy, direct survivor services, and mobile advocacy to survivors of domestic violence | $58,420 | $59,951 | $118,371 |
| **Northwest Immigrant Rights Project** | Provision of supportive services to immigrant survivors of domestic violence and/or sexual assault and their children | $26,555 | $27,251 | $53,806 |
| **Seattle Community Law Center** | Provision of legal counseling, assistance and representation to individuals with disabilities living on low incomes who need legal assistance to gain, maintain or regain Social Security or Supplemental Security Income | $21,243 | $21,801 | $43,044 |
| **Solid Ground Washington** | Provision of civil legal services | $53,099 | $54,491 | $107,590 |
| **TeamChild** | Provision of civil legal services to low-income juveniles | $286,789 | $294,304 | $581,093 |
| **Unemployment Law Project** | Provision of legal counseling, assistance and representation to unemployed individuals who have been denied unemployment compensation benefits or who have had their claims challenged | $29,741 | $30,520 | $60,261 |
| **TOTAL** |  | **$560,971** | **$575,672** | **$1,136,643** |

1. **A summary of civil legal aid services funded by veterans, seniors and human services levy (VSHSL) proceeds in 2018 and in 2019, including the dollar amount expended in 2018 and the adopted funding level for 2019.**

The report provides a breakdown of the services funded by VSHSL proceeds in 2018 and 2019, as required by the proviso. As indicated in the report, two plans control VSHSL expenditures: 1) the VSHSL Transition Plan, adopted by Ordinance 18638 in December 2017, controls expenditures of 2018 VSHSL proceeds; and 2) the VSHSL Implementation Plan, adopted by Ordinance 18768 in July 2018, controls expenditure of 2019-2023 levy proceeds.

***VSHSL Transition Plan: Civil Legal Aid Services Funded with 2018 VSHSL Proceeds.*** Under the adopted VSHSL Transition Plan, civil legal aid services are funded under Housing Stability Strategy 5 (“HS 5”), Preventing Inappropriate Housing Loss. HS5 includes funding for services for two of the levy’s focus population groups: veterans, military servicemembers and their respective families; and seniors and their caregivers. Table 2, as provided in the report, breaks down those civil legal aid services funded with 2018 VSHSL proceeds under HS 5. As indicated in the report, Table 2 also summarizes proceeds expended and invoiced through March 31, 2019 in connection with this strategy. Contracts supported by 2018 proceeds under this strategy ran through August 31, 2019.

**Table 2. 2018 Adopted VSHSL Transition Plan Housing Stability Strategy 5 Summary**

| **Provider Name** | **Summary of Services** | **2018 VSHSL Award Amount** | **2018 VSHSL Awards Expended through March 2019** |
| --- | --- | --- | --- |
| **Catholic Community Services of Western Washington, Tenant Law Center** | Civil legal representation to seniors at risk of losing rental housing | $145,000  (seniors) | $84,583  (seniors) |
| **Dispute Resolution Center of King County, KCDRC Mobile Conflict Resolution** | Dispute resolution services to veterans and seniors facing housing-related disputes | $100,000  (seniors)  $100,000  (veterans) | $74,997  (seniors)  $74,997  (veterans) |
| **King County Bar Association Pro Bono Services, Veteran and Senior Tenancy Preservation Project** | Day-of representation for veterans and seniors at unlawful detainer (eviction) hearings with follow-up referrals to social services to address the cause of the housing crisis | $141,000  (seniors)  $93,000  (veterans) | $47,000  (seniors)  $31,000  (veterans) |
| **Northshore Senior Center, Northshore Benefits Access** | Support to assist seniors file for property tax exemption and other financial benefits | $31,000  (seniors) | $18,083  (seniors) |
| **Northwest Consumer Law Center, Civil Legal Aid for Older Veterans and Seniors** | Civil legal representation to seniors with predatory Reverse Equity Mortgage or other mortgage fraud | $24,000  (seniors) | $8,000  (seniors) |
| **Northwest Justice Project, Veterans Project** | Civil legal representation for veterans facing eviction or loss of housing and benefits advocacy to assist veterans with securing their VA and other federal, state and local benefits[[4]](#footnote-4) | $225,000  (veterans) | $139,581  (veterans) |
| **Plateau Outreach Ministries** | Client assistance to veterans and seniors facing imminent loss of housing including | $15,000  (seniors)  $7,000  (veterans) | $8,750  (seniors)  $4,083  (veterans) |
| **Seattle Community Law Center** | Benefits advocacy for federal benefits for seniors | $45,000  (seniors) | $26,250  (seniors) |
| **Solid Ground** | Connecting seniors with and benefits advocacy for state benefits, including Aged Blind and Disabled Cash Assistance | $20,000  (seniors) | $11,667  (seniors) |
| **Washington Department of Veterans Affairs, Veterans Service Officers for Public Benefits Advocacy** | Benefits advocacy for VA benefits, using accredited VSOs | $85,000  (veterans) | $49,583  (veterans) |
| **Washington State Housing Finance Commission, Housing Counseling for Veterans and Seniors** | Housing counseling to veterans and seniors facing housing crises other than non-payment of rent.  Partnerships with five provider agencies: Urban League of Metropolitan Seattle, Parkview Services, American Financial Solutions, Northwest Consumer Law Center, and Washington Homeownerships Resource Center | $30,000  (seniors)  $30,000  (veterans) | $10,000  (seniors)  $17,500  (veterans) |
| **TOTAL** |  | **$551,000**  **(seniors total)**  **$540,000**  **(veterans total)** | **$289,330**  **(seniors total)**  **$316,744**  **(veterans total)** |

The department confirmed that all remaining funds, as shown in Table 2, which had been awarded but not fully expended by the end of March 2019 were expended as expected by the end of the contract period (August 31, 2019).

***VSHSL Implementation Plan Civil Legal Aid Services: Adopted 2019 Funding Levels.***

Table 3 below summarizes the current status of the 2019 adopted civil legal aid funds as presented above. Per the executive, “Please note that some 2019-2020 biennium funds, due to the timing of our procurements, are committed but not yet expended. The status column provides information on fund commitment, meaning that while not yet expended, we expect a full draw down of the funding level by the end of the biennium because we have made awards committing those funds fully for the biennium and the rate of invoicing and payment in contracts reflects the award commitments.”

**Table 3. 2019 Funds Summary**

| **VSHSL Strategy Name** | **2019 Adopted Funding Level** | **Status** |
| --- | --- | --- |
| **SE 6:** Support Legal Services for King County Residents who are Immigrants and Refugees | $795,000 (vulnerable populations) | Fully procured and committed – expected full invoicing by end of biennium |
| **HS 5B:** Alternative Dispute Resolution | $70,000  (veterans)  $100,000  (seniors)  $70,000 (vulnerable populations) | Fully procured and committed – in contract negotiation – expected full invoicing by end of biennium |
| **HS 5C:** Legal Aid | $400,000 (veterans)  $400,000  (seniors)  $450,000 (vulnerable populations) | RFP closed in January 2020; Notification of award decisions anticipated in March 2020 and it is expected that the awards will fully commit the adopted funding level for the biennium (including 2019 funds) |
| **FS 1C:** Leverage Government Benefits | $500,000 (veterans)  $200,000  (seniors)  $200,000 (vulnerable populations) | Fully procured and committed – expected full invoicing by end of biennium |
| **TOTAL** | **$3,185,000** |  |

1. **Identification of funding available for 2020 from applicable strategies and programs included in the veterans, seniors and human services levy implementation plan, adopted in Ordinance 18768, to support contracted civil legal aid services that address the collateral consequences[[5]](#footnote-5) of criminal charges, such as housing and employment impacts, experienced by populations served by the levy.**

The final section of the proviso directs the Executive to identify funding available in 2020 from applicable strategies and programs included in the adopted VSHSL Implementation Plan that could support contracted civil legal aid services to address the collateral consequences of criminal charges. Under the proviso, “available funding” is defined as additional or underspent levy proceeds allocated or anticipated to be allocated to a strategy or program included in the implementation plan.

In the report, DCHS identified two strategies for which civil legal services related to collateral consequences of criminal charges are potentially eligible uses as long as the civil legal services potentially provided fall within the scope of these strategies as they are described in the adopted VSHSL Implementation Plan. These strategies are Financial Stability (FS) 1C – Leverage Government Benefits and Housing Stability (HS) 5C – Legal Aid. An additional VSHSL program, Social Engagement (SE 6) (Support Legal Services for King County Residents who are Immigrants and Refugees), was not included in this analysis because its proceeds have already been committed through an RFP through 2023.

At the time of the transmittal of the report, the department wrote,

“DCHS anticipates that some 2019 funds allocated to HS-5C and FS-1C may be “available” at the conclusion of 2019 for use in 2020. Such “available” funds may arise because the Implementation Plan contemplates a full year of funding in 2019, but the procurement and contracting period will only be complete after the first quarter of 2019 or later. Such funds would be unlikely to recur in 2020 and beyond because the programs would be fully contracted and operating for all of 2020. The 2018 procurements of equivalent legal aid strategies funded by the VSHSL Transition Plan were heavily subscribed, with applicants requesting substantially more funding than was allocated. The adopted VSHSL Implementation Plan sets forth a procedure for reallocation of unexpended funds.”

Council staff followed up with DCHS staff to determine if there were any “available funds” that could be used to support contracted civil legal aid services that address the collateral consequences at this time and received the following response: “*As of the writing of the proviso report, procurement for 2019 for these strategies had not yet completed. Since transmittal of the report, procurement for FS 1C has been completed and funding is fully committed, and notification of award decisions for HS 5C is anticipated in March. As indicated in the transmitted report, 2020 funding will be fully committed.*”

In conclusion, the transmitted report generally meets the requirements of the proviso. The proposed motion, if passed by Council, would acknowledge receipt of the report and allow the provisoed funds to be expended or encumbered by DCHS.

**INVITED**

* Scarlett Aldebot-Green, Division Director, Adult Services Division, Department of Community and Human Services

**ATTACHMENTS**

1. Proposed Motion 2019-0460
   1. Attachment A: King County-Funded Civil Legal Aid Services Report
2. Transmittal Letter

1. Adopted November 13, 2018. [↑](#footnote-ref-1)
2. In the report, specific examples include, “an attorney guiding an asylum-seeker to remain safe and present in King County, a mediator helping a low-income housing tenant and landlord resolve a habitability issue to keep the tenant housed, an accredited advocate or attorney helping a veteran appeal a denial of U.S. Veterans Administration benefits, an attorney representing a domestic violence survivor seeking a protection order, and a legal clinic helping disabled older adults write wills and medical directives.” [↑](#footnote-ref-2)
3. The executive states in the report, the table excludes a ninth provider of civil legal services, Tenants Union of Washington, which received funding exclusively for technical assistance. The provider was awarded $100,000 in General Fund funding in the 2017-2018 biennium and expended $50,000 in each year. [↑](#footnote-ref-3)
4. Northwest Justice Project received $20,000 in continuation Veterans Funding for 2018 (VSHSL Activity 1.5B) [↑](#footnote-ref-4)
5. Per the department, “Collateral consequences of criminal charges occur when a person’s involvement in the criminal legal system triggers civil legal or social services consequences for that person. The collateral consequences can attach to a person even if that person is not ultimately convicted of a charged crime. If a person is convicted, collateral consequences may remain attached long after an individual has served their sentence and even after they have completely exited criminal supervision.” [↑](#footnote-ref-5)