

# The West Virginia State Bar IOLTA Legal Assistance Grants

BANK OF AMERICA FORECLOSURE PREVENTION  
And COMMUNITY REDEVELOPMENT ONE-TIME GRANT PROGRAM

## PROGRAM DESCRIPTION

**APPLICATION DEADLINE:                      Midnight April 30, 2016**

### I.                      Purpose and Description

In 2014, Bank of America (BOA) and the Department of Justice (DOJ) came to a \$16.65 billion settlement agreement whereby BOA agreed to resolve federal and state claims against Bank of America and its former and current subsidiaries, including Countrywide Financial Corporation and Merrill Lynch. As part of the settlement, BOA agreed to make donations to state-based Interest on Lawyers' Trust Account (IOLTA) organizations that provide funds to legal aid organizations, to be used for foreclosure prevention legal assistance and community redevelopment legal assistance. Funds were allocated to each state based upon the federal poverty census data and formula used by the Legal Services Corporation.

#### Funding

The West Virginia State Bar (The State Bar) has received \$329,000 from the national settlement to be used solely for "foreclosure prevention legal assistance and community redevelopment legal assistance." The settlement agreement and donation terms restrict the allowable grantees to legal service organizations domiciled in West Virginia.

Funds will be distributed in July, 2016, however, distributions may be made incrementally according to project complexity and distribution needs.

#### Eligibility

Eligibility is restricted to legal service organizations domiciled in West Virginia. For the purposes of these grants "legal service organization" is defined as any not-for-profit organization or distinct part of a not-for-profit organization that regularly makes civil legal assistance available to low income individuals or groups without charge or at greatly reduced cost. The term is intended to be applied broadly to include organizations even if they may not, for practical or legal reasons, be able to meet every standard. The term does not include outside practitioners or law firms that accept referrals from a legal aid provider for the representation of low-income clients.

#### Data Collection and Reporting

All grant recipients will be required to participate in a national data gathering effort as described below.

## II. Guidelines

### A. Foreclosure Prevention Legal Assistance

Proposals should describe how grant funds will be used for foreclosure prevention, or foreclosure-related issues, in the context of the specific circumstances faced currently by the communities served, such as assistance to homeowners receiving notice of arrearage, assistance to homeowners threatened with court action or notice of foreclosure, loan modifications to avoid foreclosure, legal assistance with servicer violations resulting in foreclosure notice, and foreclosure mitigation. An applicant should discuss and cite current reliable data on the foreclosure trends and continuing client needs that its program specifically seeks to address, and how its foreclosure services will meet those needs.

Strategies may be across a broad range of options from advice and counsel, representation, mediation programs, or policy and impact work.

Applications should reflect an understanding of the current needs and challenges within the communities served, knowledge of successful models, flexibility and creativity, and necessary collaborations to achieve stated goals.

### B. Community Redevelopment Legal Assistance

*\*These one-time grants may cover a period of two years due the nature of the work.*

Proposals should describe how grant funds will be used for community redevelopment legal services. Proposed projects should support and promote economic development by providing legal services that revitalize or stabilize low and moderate income communities with programs such as support to non-profits or small businesses on projects that generate affordable housing or job creation.

Strategies may cross a broad range of options from counseling advocacy groups, transactional law, representation, or policy and impact work, but should reflect an understanding of the current needs and challenges within the communities served, and knowledge of successful models for meeting those needs. The organization should have established partnerships that are necessary to achieve the stated goals.

The State Bar looks to applicants to develop creative projects that will have far-ranging and lasting impact on communities. Applicants have flexibility in defining community redevelopment.

## III. Criteria for Funding

- Demonstrated Need of the Targeted Population: Although there are no income-eligibility requirements for this funding, the State Bar will consider the articulated needs of a defined target population, with consideration to special needs of the community to be served.
- Impact of Services: The State Bar will consider the anticipated outcomes of the services, including the number of people that will be served, and the nature of the impact on the lives of targeted populations.
- Deliverables within Grant Period: Grant deliverables must be achievable within the one or two year period of the proposed grant, depending on the nature of the grant application (foreclosure or community redevelopment) and must directly correlate to the work proposed and staffing on the project. Although funding a portion of a project (e.g., impact litigation) coupled with other funding as a bigger project or over a longer term will be considered, the proposal should articulate the specific deliverable that will be achieved with this specific BOA grant funding during the grant period.

- Partnerships and Collaboration: As relevant, the State Bar will consider the extent to which an applicant already has developed necessary partnerships, or has demonstrated the ability to partner with community organizations, local government, or other stakeholders to accomplish goals. The State Bar anticipates the added value of strong partnerships particularly in regard to community redevelopment proposals.
- Leverage and Sustainability: Because this is one-time funding, the State Bar is particularly interested in how the proposed project fits within current organizational programming. If it is an existing project, how will funds be leveraged to increase services? If the project is a new innovation, how will the organization sustain the project past the first year? Is it replicable or scalable? How will information about the project be shared with other legal aid organizations?
- Organizational Excellence: The State Bar will also consider the experience of the applicant in successfully executing similar projects; the stability of the organization infrastructure as will impact its ability, as necessary, to hire, retrain, and supervise attorneys; and to successfully administer the grant, including grant budgeting, reporting and evaluation.

#### IV. Data Collection and Evaluation Plans

By submitting a grant application, an applicant agrees to collect and report the data described below, in addition to client stories and relevant main benefit data that programs will be collecting. The State Bar, as a member of the National Association of IOLTA Programs, will require that grantees - at a minimum - collect and report the following data:

- A. Foreclosure Prevention Legal Assistance
  - How many individuals were served (separately, how many elderly, children and veterans)?
  - How many foreclosures were prevented?
  - How many foreclosure clients benefitted in other ways?
- B. Community Redevelopment Legal Assistance
  - How many individuals benefitted (separately, how many elderly, children and veterans)?
  - How many non-profits benefitted, if any?
  - How many small business clients benefitted, if any?