

## **Special Grant Application Process Open Bank of America Settlement Funds**

Via

### **Georgia Bar Foundation**

January 19, 2017

Today, the Georgia Bar Foundation is opening the application process for the second round of a special grant program funded by a Bank of America donation valued at \$13,047,594.71, resulting from a court settlement. The Georgia Bar Foundation sees this as a multi-year program. Therefore, there will be more than one opportunity to apply for a grant, as well as opportunities to apply for additional funding if you demonstrate the importance and success of your program in preventing foreclosure and assisting with community redevelopment necessitated by the number of foreclosures. \$4 million of the total \$13,047,594.71 will be available for grants in this round of applications.

Under the terms of the donation, these funds must be used by nonprofit organizations in Georgia to provide legal services relating to foreclosure prevention and community redevelopment benefitting Georgia residents. All applicants must be nonprofit organizations and must either provide legal services or partner with an organization which does provide such services. Applicants must agree to participate in a data collection program intended to demonstrate the impact of legal services funded by the settlement in the areas of foreclosure prevention and community redevelopment.

If you are interested in submitting an application to be funded through this program, please read the Request for Proposal ("RFP") carefully, complete the application found at <https://www.gabar.org/aboutthebar/lawrelatedorganizations/iolta/iolta.cfm> and submit it electronically by 4:30 p.m. on Tuesday, February 28, 2017. Paper applications are also acceptable and can be submitted to the geographical address below. If you have difficulty understanding the RFP or application, please contact Len Horton, Executive Director, Georgia Bar Foundation, at [HortonL@Bellsouth.net](mailto:HortonL@Bellsouth.net), 404-588-2239 or via paper mail at the address below. If you have difficulty accessing the RFP or making a proposal electronically, please contact Carrie Raynor, Finance Director, Georgia Bar Foundation, at [craynor@bellsouth.net](mailto:craynor@bellsouth.net), 404-588-2238 or via regular mail at 104 Marietta Street, Suite 610, Atlanta, GA 30303.

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## GEORGIA BAR FOUNDATION, INC.

### Request for Proposals

The Georgia Bar Foundation, Inc. ("GBF" or the Bar Foundation) has received \$13,005,533 as a result of a settlement between the U.S. Department of Justice and the Bank of America ("BOA") in a mortgage fraud suit. This is the second distribution the Bar Foundation has received from the settlement. The Bar Foundation, which is the charitable arm of the Supreme Court of Georgia, manages the Interest on Lawyers Trust Accounts" program ("IOLTA") and makes grants to promote and provide access to justice in civil suits for those who would otherwise be unable to have access to our system of justice. In general, the purpose of the funds which Georgia and many other states received is to help redress the inequities in the mortgage and foreclosure system allegedly perpetrated by BOA and others in the mortgage industry and the broad impact such foreclosures have on individuals and communities.

The settlement agreement between the Department of Justice and BOA restricts GBF's use of the BOA settlement funds to "**foreclosure related legal assistance**" and "**community redevelopment legal services.**" The Bar Foundation expects to divide the funds into three (3) tranches over a number of years. The first will be approximately \$4 million. The Bar Foundation will distribute these funds in grants that may range from one(1) to five (5) years, depending on the applicant's request and the agreement of the Bar Foundation. The grants may be renewable, depending on the success of the grantee's program and the additional continuing needs of the target population. Multi-year grants may be paid in installments. The Bar Foundation has complete and total discretion to award and hold funding to distribute later for any reason. The exact dollar amount of any given grant and the way in which the funds are distributed will depend on the quality of the proposal and the number of proposals received, as well as the ability of the applicant to meet the accountability and reporting requirements contained in this Request for Proposals.

Two or more applicants may propose to collaborate with each other and submit a joint proposal, or each may separately seek a grant. However, if separate applications are submitted, each must be able to stand on its own merits in case the other is not funded. Preference will be given to organizations which demonstrate at least the initial stages of becoming self-sustainable. Eligible applicants are limited to non-profit organizations located and providing legal services in Georgia. In a collaborative effort, at least one of the participants must provide legal assistance. Clients of program applicants must be Georgia residents.

## I. Guidelines

### A. Eligible Applicants:

To be eligible to receive grant funds under this RFP, an applicant must do all of the following:

- Provide legal assistance to low-income individuals within the State of Georgia.
- Submit a grant application form and written narrative proposal within the Bar Foundation's time frame.
- Follow the Bar Foundation's grant proposal format.
- Respond to questions about the application by telephone or in writing as may be requested.
- Agree to carry out the program for which funds were requested and granted.
- Account for the grant funds separately in its financial reporting system.
- If the size of the grant warrants, agree to file with the Bar Foundation, within 90 days after the end of the grant period, an audit of grant funds received certified by a certified public accountant licensed to practice in Georgia.
- Report on progress and results as the Bar Foundation may direct.

Grants may be awarded in either of two substantive areas:

### A. Foreclosure Prevention Legal Assistance

Each proposal should describe how grant funds will be used to prevent foreclosure in the communities the applicant serves. Recognizing that the foreclosure crisis has slowed, you should discuss foreclosure trends, continuing borrower needs that your proposal seeks to address and how the foreclosure prevention services in your proposal will address those needs. We expect to receive proposals that are creative with the possibility of far-reaching and lasting impact on the community the applicant serves. Applicants may employ a broad range of options from advice and counsel, representation, mediation programs or policy and impact work. However, your proposed activities should reflect an understanding of the current needs and challenges within the communities to be served, knowledge of successful models, flexibility and creativity, and any collaborations necessary to achieve stated goals.

Remember that we are looking for and are obligated to fund projects **providing legal assistance to prevent foreclosure**. Therefore, while there may be individual cases that fall within these parameters, protecting the rights of a particular tenant may or may not fall within that category. If you are able to document a connection between a particular activity you wish to undertake and foreclosure prevention, please do so. For example, you may be aware that a Tennessee legal aid organization has documented the connection between having a car repossessed and foreclosure, i.e., without a car

the individual may not be able to get to work. However, you must demonstrate that your proposal will benefit the community as a whole and not rely on a trickle-down theory that benefitting specific individuals will benefit the community as a whole. We are looking for systemic change. Moreover, you must define success in a way that can be measured.

Foreclosure prevention proposals may include but are not limited to:

- Outreach and education on foreclosure and legal options;
- Review of loan documents and counseling on loan modification;
- Assisting with compliance review of violations of state or federal homeowners bill of rights violations;
- Assistance with loan modification, including modification denials, forbearance agreements and repayment plans;
- Negotiation, mediation and litigation to address service violations;
- Reverse mortgage advice to older adults;
- Seeking to restore title in cases of consumer fraud, predatory lending or financial abuse of various types; and
- Policy and advocacy and support services to increase capacity and foster collaboration with local, state and national groups on any of these issues.

## **B. Community Redevelopment Legal Assistance**

Proposals should describe how the application would use grant funds for Community Redevelopment legal services. Projects should support and promote economic development by providing legal services that revitalize or stabilize low-income communities. A broad range of strategies may be employed from counseling advocacy groups, transactional law, representation, or policy and impact work. However, because there is no settled definition of community redevelopment legal assistance in this context, your proposal should be very specific and demonstrate an understanding of the current needs and challenges within the communities you propose to serve. If there are existing models that have been successful, please include a discussion of them to demonstrate your knowledge of their existence. Additionally, you should be able to define what success means in the context of your proposal. While it is not a requirement, we expect that most community redevelopment proposals will be collaborations or partnerships as there will often be multiple layers of barriers (economic, social, educational, linguistic) to overcome if long-lasting redevelopment is to occur.

We expect to receive proposals that are creative with the possibility of far-reaching and lasting impact on the community the applicant serves. You have some flexibility in defining community redevelopment. However, you must demonstrate that your proposal will benefit the community as a whole and not rely on a trickle-down theory that benefitting specific individuals will benefit the community as a whole. We are looking for systemic change. Moreover, you must define success in a way that can be measured.

The term “community redevelopment” is so broad that we are providing a number of examples of approaches being used around the country. Proposals may include but are not limited to:

- Increasing the capacity of local non-profit organizations that serve low-income communities;
- Supporting the development and preservation of affordable housing, childcare, senior centers, job training programs and day labor centers;
- Supporting micro-businesses, low-income entrepreneurs, and other local and community-owned services;
- Training low-income community members to advocate on behalf of their community;
- Legal representation of low-income communities with respect to community conditions such as environmental issues, transit development, homelessness, affordable housing and other matters that help in the healthy development of communities;
- Other legal assistance that is transformative for the community in that it promotes systemic change, or promotes economic security and has a broad impact;
- Legal services to preserve wealth; improve deteriorating conditions of homes and preserve family homes; creating wills; clearing title and heirs property issues; assisting with reverse mortgages; representing victims of predatory lending; representing families dealing with homeownership difficulties; and enforcing specialized rights regarding taxes, such as for individuals with disabilities;
- Educational sessions on homeowners’ rights;
- Preservation of housing, including enforcing the maintenance and upkeep of developer-owned properties, and addressing vacant properties;
- Improving housing conditions, including enforcing rights to habitable housing and preventing displacement through eviction or condemnation;
- Legal services and community lawyering to preserve housing in gentrifying areas;
- Fair housing representation for tenants and assisting clients with making disparate impact claims/complaints;
- Legal action to prevent early removal from low-income housing programs;
- Enforcing rights to locate low-income housing in neighborhoods;
- Access to critical services/utilities, including transportation and infrastructure;
- Securing fair-wages and employment benefits;
- Workforce development, removing barriers to employment (expulsion, driver’s license suspensions);
- Job training advocacy;
- Redevelopment assistance to cities and counties to ensure that localities and developers meet their obligations to provide adequate relocation assistance and replacement housing for families displaced by redevelopment; and

- Developing programs, policies, legislation and other strategies to eliminate and prevent conditions of blight and deal with affordable housing.

## II. Criteria for Funding

The Bar Foundation will look at a number of criteria as part of the process of reviewing responses to this RFP, including at least the following:

**Demonstrated Need of the Target Population:** There are no income-eligibility requirements for persons expected to be helped, *i.e.*, recipients of services do not need to live below the federal poverty line or some multiple of that amount. However, applicants must be able to demonstrate and articulate the needs of the target population, including special needs such as those of minority populations or persons with language difficulties. Income may, of course, be an eligibility criterion.

**Impact of Services:** You should describe and define the anticipated outcome(s) of the services you intend to provide with as much specificity as possible. This includes the number of persons who will be served and the nature of the impact on the target population as well as the community as a whole.

**Time for Achieving Goals:** Applicants must be able to achieve their goals within the term of the Applicant's grant. While the Bar Foundation will consider funding a discrete part of a larger program, such as one that involves litigation, the applicant should be able to describe in detail the specifics of what will be achieved with grant funding during the grant period.

**Partnerships and Collaboration:** As noted above, the Bar Foundation will consider proposals from a partnership or a collaboration between two or more groups. The Bar Foundation will look favorably on existing partnerships and collaborations demonstrating the ability to work successfully with other community organizations, local governments or other stakeholders to accomplish goals, particularly with regard to community redevelopment projects.

**Leverage and Sustainability:** The Bar Foundation is very interested in how the proposed project fits within the organization's regular programming. Is the project already being undertaken by the applicant? If so, how will funds be leveraged to increase services? Is the program replicable or scalable? How will the applicant sustain momentum in a multi-year project? How will information about the project be shared with other organizations dedicated to the provision of legal services?

**Organizational Excellence:** The Bar Foundation will consider whether the applicant has successfully completed other projects as indicative of the likelihood of success with this one, as well as your ability to hire, retrain, supervise other attorneys, budget and evaluate the success of your program.

### **III. Evaluation Plans**

In addition to client stories and relevant main benefit data that programs will be collecting in conjunction with this BOA grant funding, the Georgia Bar Foundation, as a member of the National Association of IOLTA programs, will require that all grantees collect the following data:

#### **A. Foreclosure Prevention Legal Assistance**

How many individuals were served?

Of this total, state separately the number who were elderly, children and veterans.

How many foreclosures were prevented?

How many foreclosure clients benefitted in other ways?

Please describe these other benefits.

#### **B. Community Redevelopment Legal Assistance**

How many individuals benefitted?

Of this number, please state separately the number who were elderly, children and veterans.

How many non-profits benefitted, if any?

How many small business clients benefitted, if any?

By applying for grant funds, the applicant agrees to collect and report the data described above.

### **IV. Publicity and Recognition**

By submitting a grant application, an applicant agrees that Bank of America and its affiliates will have the right to include information provided by and about the grantee organization and its use of grant funds in its advertising and marketing materials, public reports, and press announcements and releases in all forms of media throughout the world, without compensation or additional consent. For grants with respect to which there are recognition opportunities, the applicant agrees to work with a Bank of America representative regarding the parameters of any recognition.

### **V. Grant Applications**

Potential applicants may obtain a copy of the grant application forms (paper and electronic) by visiting

<https://www.gabar.org/aboutthebar/lawrelatedorganizations/iolta/iolta.cfm> or by contacting Carrie Raynor at [craynor@bellsouth.net](mailto:craynor@bellsouth.net) or 404-588-2238.

The Bar Foundation must receive completed grant application no later than 4:30 p.m., Tuesday, February 28, 2017. The Bank of America Settlement Funds Committee of the

Georgia Bar Foundation will then review each application and present it to the Board of Trustees for approval. The Bar Foundation reserves the right to reject any or all grant applications which do not, in its opinion, meet the purposes of this program.

Upon submission, all grant applications become the property of the Bar foundation which has the right to use any or all ideas presented in any application, whether or not the application is approved for funding.

Neither the Supreme Court of Georgia nor the Bar Foundation will be liable for any expenses incurred by any prospective grantee prior to the approval and issuance of the grant.

Each selected grantee will be required to assume responsibility for all services described in its application. The selected grantee will be the sole point of contact with regard to payment of any and all charges resulting from the grant.

The Georgia Bar Foundation or any of its duly authorized representatives shall have access for purposes of review, audit and examination to any books, documents, papers, and records of the grantee.

The grant application must state when the grantee will start the project, which should be within sixty (60) days of the award. If, during the performance of the project, the grantee deviates from the grant materially, the grant may, at the discretion of the Bar Foundation, be terminated at any time. A grantee may notify the Bar Foundation that it has found it necessary to modify its program because of its findings. Notification to the Bar Foundation should describe the changes and why they have been made. If a dispute arises in the performance of the grant which cannot be settled between the parties, the dispute shall be submitted to binding arbitration.

The completion date of the project must be specified in the application. If the project will continue for more than one year, the applicant should specify the budget and evaluation cycle on a twelve-month basis. For example, if an organization needs more funding in the first year for start-up costs or for any other reason, that should be stated in the application.

One written copy and one electronic copy of the application should be submitted to the Georgia Bar Foundation as follows:

Ms. Carrie Raynor  
Finance Director  
Georgia Bar Foundation, Inc.  
104 Marietta Street  
Suite 610  
Atlanta, GA 30303  
[craynor@bellsouth.net](mailto:craynor@bellsouth.net), or

Mr. Len Horton  
Executive Director  
Georgia Bar Foundation, Inc.  
104 Marietta Street  
Suite 610  
Atlanta, GA 30303  
HortonL@Bellsouth.net

Links to copies of the application form may be found at <https://www.gabar.org/aboutthebar/lawrelatedorganizations/iolta/iolta.cfm>, the Bar Foundation's website.

Applications should be signed by an official who has authority to bind the organization to the proposed obligations. Applications must state that they are valid for a minimum period of sixty (60) days from the date of submission.

The Bank of America Settlement Funds Committee of the Georgia Bar Foundation will make all recommendations on grant awards. Such recommendations are subject to approval by the Board of Trustees of the Bar Foundation.

There will be no extensions of or exceptions to established deadline dates and times for applications to be submitted.

Grant awards will be announced by the Bar Foundation.

Questions should be directed to Executive Director, Georgia Bar Foundation, 104 Marietta Street, Suite 610, Atlanta, GA 30303; 404-588-2239; HortonL@Bellsouth.net.