

2020.07.21 P & RE Cmt. Mtg. Notes

Meeting time: 5pm-6pm

Present: Kevin Schaum, Caterina Lozano, Catherine Bledsoe, Cizhu Feng, Ethan Navarre, Franklyn Baker, Jessica Williams, Karen Anderson-Scott, Matthew Stubenberg, Rachel Wanat, Reena Shah, Sandy Bartlett, Sandy Brantley, Shelly Martin, Shelly Mintz, Steve Sakamoto-Wengel, Wendy Shiff, Victoria Schultz, Xinyi Li, Zafar Shah, Zak Shirley, Zenita Hurley, Marceline White, Anand Parikh, Andre Davis, Shelby McCloskey, Susan Erlichman, Juliana Bell, Hannibal Kemerer, David Eppler, Carolyn Quattrocki

General:

- For the CLA cmt's letter to county executives and letter to state officials the cover letter from AG Frosh is in the final stages. They will begin to go out this evening, the rest will go out tomorrow.
- For the letters today we will discuss with the cmt, then raise them to the AG. If approved with the AG then they will go to the TF members.
- Will likely go for $\frac{3}{4}$ assent to letters (from TF members), once that is reached the AG can send letters on behalf of the TF.
- When sending letters to the TF members there will be a timeline which keeps in mind the urgency of the issues addressed.

Letter to Chief Justice re moratoria on evictions and debt collection:

- Housing cmt put a draft together, sent this to CP cmt.
- Picked January 31st as the requested date to extend the moratoria until, which would give the legislature one month to enact emergency legislation and give the governor a chance to sign it.
- Court was going to begin scheduling affidavit and debt collection cases yesterday, after August 31st failure to pay rent cases were planned to go ahead.
- Currently a hold on cases for tenants in federally funded housing, but it's difficult for tenants to figure out if they're in federally funded housing.
- Given the confusion it does not seem appropriate for these cases to proceed.
- Governor can use executive orders to provide an affirmative defense in failure to pay rent cases, and the letter asks the governor to extend this to January 31st as well. Letter also asks to extend the wage garnishment executive order and that the affirmative defense in failure to pay rent cases be expanded to include tenant holding over cases (current executive order does not apply to these).

Letter to Governor re eviction and debt collection:

- Also asks gov to join the TF in requesting that the CJ extend moratoria in eviction and debt collection cases.
- This letter didn't have a specific number for rental assistance funds, but it did reference other letters which did have a specific number for rental assistance.

- In the Housing cmt an online survey of members was used in the drafting process.
 - Cmt also got recommendations from members on emphasizing race equity principles and structural racism as a context for these letters.
 - Takeaway: going forward w/ written products it will be a balance between urgency and taking time to highlight/emphasize the historically racist context of many of the policies being addressed.
- Q from chat: Can we add an individual's story of dealing with these issues?
 - Sometimes as an additive it can be helpful to provide an individual's story to help elevate the letter.
- Q from chat: What might be the governors motivation not to abide by these requests?
 - Landlords' loss of income may be a motivation, however part of the request asks for additional rent relief, some of which would go to the landlords to mitigate their losses.
 - For debt collection, members of creditors bar agreed with moratorium but they represent larger creditors, but smaller creditors may take issue with the moratorium and may still try to garnish wages from low income debtors.
 - Public health concerns lean in favor of the governor supporting these letters.
- Q from chat: What is the Governor extending?
 - Right now the executive orders are kind of month to month, the TF would like the Governor to solidify this.
- Some things started in the courts yesterday, has anything happened yet that should be added to these letters?
 - Courts said yesterday they would begin scheduling affidavit cases, but it does not appear any cases have been heard yet.
 - Data and Legal Tech Cmt is considering how to collect personal stories.
 - Housing cmt heard secondhand that a large landlord had around 12 emergency breach of lease cases last week and a large number of the tenants didn't show up for these in person hearings. Seems like landlords are getting creative with what qualifies as an emergency breach of lease to get cases heard earlier.

Coronavirus Relief Fund for Civil Legal Aid (MLSC Proposal):

- CARES Act subcmt had drafted letters to county executives and the governor's office, then set up a general proposal for funds.
- Based on feedback the cmt upped the ask from \$3 million to \$5 million.
- Cmt member senator Guy Guzzone is ready to submit this proposal once it's approved.
- Q: would some of this money be used for paying attorneys for civil legal aid?
 - No, cmt thought the simplest way to do this would be to have most of the money go to MLSC which covers most of the civil legal aid efforts across the state.
- Q: would it make sense to bundle a number of funding requests into one or have a series of funding requests?
 - A particular decision was not reached on this, feedback from legislators has been to make a consolidated ask at least in regards to civil legal aid. The current proposal wouldn't cover other services (such as a hotline).

- Another consideration is that civil legal aid services have guidelines so they go to low-income, however these issues are hitting those in higher income brackets as well.
- Q: What is the interest for using a consistent methodology for reports and communications. United Way uses ALICE methodology which effectively shows those who are above the poverty threshold but still having trouble. May be a way to provide consistency for discussing these ppl who aren't qualifying for as much aid but still need assistance.
 - Cmt members expressed interest and support, may take place in a separate mtg/presentation from Franklyn Baker (check, united way guy)
- Q: is there a process for getting the civil legal aid funds to those who aren't already grantees (current plan is to get these funds to 36 existing grantees who are ready to go).
 - So far this has not been evaluated, MLSC just completed a thorough grant cycle. Given the loss of funds for CLA and the limited amount of CARES funds it would be extraordinary, but given the circumstances the board would consider it.
- Q: How did the cmt get to \$5 million?
 - CLA cmt planned for 3, but all the feedback said to increase. One possible reason is that it's very possible that when requesting 5 they might get 3. The section of the letter that explains the funding is still written for 3 mil so it will have to be revised. 3 mil is based on looking at current data, historic data from the great recession, and extrapolating to current increased need.
 - In the 3 mil ask 1 mil was built in for infrastructure related to data needs.
- Q: Would existing grantees be starting new programs?
 - MLSC policy is that when an existing grantee can complete a program that a new grantee is asking for the funds will go to the existing grantee. The plan is for existing grantees to set up new programs to respond to increased needs.
- Q: What process do we want for the CLA letter?
 - Thinking is that as we go forward the process has been started with Mark Nicole in the Office of Budget Management so we would continue the process with him, whether it comes from the TF or the MLSC.
 - Open to what structure the proposal takes/who it comes from, but the most important thing is urgency.
 - There is a process in place for the moratoria letters (AG adds a cover letter to the letters written as a memo from the substantive cmt).
- Q: With so much money on the table and so much need, is 5 mil too small of an ask?
 - In some other states we've seen things like 8 mil in civil legal aid funds accompanied with 100 mil in rental assistance.
 - May be more effective to consolidate an ask, but have to keep in mind the urgency needed.
- Threading the needle suggestion: do more less public, back-channeled, larger fundings asks where the cmt co-chairs all come up with their individual cmts funding needs.

Action Items:

- Plan is to move forward with funding requests through the process done with the housing cmt letter (AG writes a cover letter for a memo coming from a TF cmt), once this is run by the AG. If AG Frosh is not on board the funding request can go through Senator Guzzone or the MLSC. AG Frosh will provide feedback.
- Both letters will be taken to the AG who will review, if there are substantive changes they will be circled back to this cmt, if not they will be taken to the TF and sent out under TF letterhead by Friday of this week.
- Timeline for bigger cmt ask is to have a P & RE cmt mtg in a week to ten days where cmt co-chairs come back with initial ideas for larger asks.