

Analysis
Department of Human Services
Legal Assistance Enhancement Program

Analyst: Laurie Byerly

Request: Approve the submission of a federal grant application to the U.S. Department of Health and Human Services, Administration for Community Living, in the amount of up to \$250,000 per year over three years (\$750,000 total) to help strengthen and enhance legal assistance programs serving older adults.

Analysis: The Aging and People with Disabilities (APD) program at the Department of Human Services (DHS) requests approval to apply for federal funding available to increase the effectiveness of legal assistance for seniors. Legal assistance is a required component of services funded by the federal Older Americans Act; the program serves individuals age 60 or over having the greatest economic or social need. Services are delivered through the local Area Agencies on Aging (AAA) with assistance from DHS and legal services providers; the latter includes Legal Aid Services of Oregon and the Oregon Law Center.

The agency's proposal, which is still being refined, anticipates spending on first-year grant activities would total \$250,000 with \$187,500 paid by the federal grant. This amount covers project management work and the creation of new educational materials, in multiple languages and communication modes, to inform consumers about how to get help with legal problems. The budget estimate includes contracts with AAAs and legal services providers; these contracts would tap senior law expertise to help improve screening, intake, and case representation practices. Other efforts create a short-term reduced fee legal representation program and new training to support development of an Oregon State Bar certified *pro bono* program specifically for helping residents of care facilities with wrongful evictions or other residents' rights violations.

The second and third years of the proposal, also projected to each need \$187,500 in grant funds, will expand upon these activities, along with ensuring compliance with grant requirements around project evaluation, performance measurement, and program sustainability. The federal opportunity requires the state to pay at least 25% of the total project cost with non-Federal cash or in-kind resources. DHS indicates it would use half of an existing position in the APD Community Services and Supports Unit to provide that match and manage the project. The agency's grant application is due April 29, 2019 and awards are expected by August.

If DHS is awarded the grant funding, the agency will submit a future request for any needed Federal Funds expenditure limitation; no new position authority is warranted.

Legislative Fiscal Office Recommendation: Approve the request.

Department of Human Services Brickman

Request: Authorization to apply for a grant of up to \$750,000 from the U.S. Department of Health and Human Services Administration on Community Living for the Legal Assistance Enhancement Program (LAEP) grant to be used over a three-year period of up to \$250,000 per year.

Recommendation: Approve the request.

Discussion: The grant notice description states this is a funding opportunity designed to enable legal assistance networks, including Older Americans Act-funded programs, to strengthen and enhance legal assistance programs for older Americans with economic and social needs. The Department of Human Services' (DHS) goal for a three-year plan is to have more consumers become aware of and know how to exercise their legal rights. The two objectives of LAEP are to (1) measurably increase the knowledge of when and where to seek assistance from a lawyer for legal problems negatively affecting health, income, independence, and dignity for low-income and ethnic minority, and tribal member older Oregonians; and (2) increase the number of facility residents receiving legal advice and representation in eviction proceedings to help decrease the number of unlawful evictions.

The grant requires a 25 percent in-kind or cash match. DHS will utilize existing staff from the Aging and People with Disabilities (APD) program to coordinate and administer the grant, which would provide the 25 percent in-kind match.

With this grant, DHS plans to create a new statewide informational, community specific brochure on using a lawyer for improved access to the justice system. Additionally, a new *pro bono* legal assistance program and a new reduced-fee assistance program will be created to provide more consumers with access to lawyers to assist with legal issues. DHS also expects the project will produce new multi-language brochures and posters, a new information video for the deaf and hard of hearing community, and expanded access and usable legal services for older Americans.

The Department works with 16 Area Agencies on Aging (AAAs) and the statewide Aging & Disability Resource Connection to provide support through various programs to older Oregonians and adults with disabilities. The APD's AAA legal assistance developer works through the AAAs to provide technical assistance for the selection and retention of legal service providers and to monitor AAA contracts with legal service providers. For the LAEP grant, the legal assistance developer will coordinate with stakeholders to create relevant informational materials, expanding knowledge to low-income and Older Americans Act-service eligible consumers about when and where to seek out legal advice. The plan is for the legal assistance developer and the State Long Term Care Ombudsman to coordinate efforts in developing the two new legal assistance options for APD-licensed care facility residents facing eviction and training materials to ensure participating attorneys can obtain periodic continuing legal education relevant to this type of representation.



Oregon

Kate Brown, Governor

Department of Human Services

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April 3, 2019

The Honorable Senator Betsy Johnson, Co-Chair
The Honorable Senator Elizabeth Steiner Hayward, Co-Chair
The Honorable Representative Dan Rayfield, Co-Chair
Joint Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048



Re: Competitive Grant Application Approval Request: Legal Assistance Enhancement Program (HHS-2019-ACL-AOA-LAEP-0344)

Dear Co-Chairs:

Nature of the Request

Oregon Aging and People with Disabilities (APD) requests approval to apply for the Administration on Aging's Legal Assistance Enhancement Program grant (HHS-2019-ACL-AOA-LAEP-0344). The grant announcement instructions and a copy of our letter of intent to apply are attached to this letter. The application is due no later than April 29, 2019.

Agency Action

The purpose of this funding opportunity is to enable state legal assistance networks, including Older Americans Act (OAA) funded programs, in strengthening and enhancing legal assistance programs to older Americans with economic and social need. Cooperative agreements entered into with ACL under this Legal Assistance Enhancement Program will be dedicated to identifying and executing enhancements and innovations that improve the quality, effectiveness, accessibility, and availability of legal assistance offered to older Americans in Oregon. Enhancements made through this funding opportunity will support quantifiable and sustainable improvements to the delivery of a full-range of legal assistance, from legal advice to full case representation of older adults. This grant, if received, will support and advance the mission and goals of APD and the purposes of the federal Older Americans Act.

“Assisting People to Become Independent, Healthy and Safe”

The OAA envisions the key role of legal assistance in securing independence for and the rights of older Americans. Legal assistance providers enable older Americans to assert their rights and remove barriers to economic and personal independence and self-determination. Interventions by providers can address the social determinants of health and well-being to preserve older Americans' access to appropriate services and can support their rights to live free from or recover from the experience of abuse, neglect and financial exploitation.

For this population, experiencing civil legal problems can have an especially dire impact. Accordingly, the OAA prioritizes specified critical issues with legal solutions for legal assistance delivery. These priority case types are income, health care, long-term care, nutrition, housing, defense of guardianship, abuse, neglect, and age discrimination. In redressing these issues, legal assistance providers can prevent homelessness among older Americans by contesting unwarranted evictions and foreclosure in communities and by representing long-term care residents in unlawful involuntary removal from long-term residential facilities. They enable elders to enforce their rights of access to and coverage of needed health care through Medicare and Medicaid, and to quality care in nursing facilities. They empower the decisional rights of older Americans through tools such as powers of attorney and health care advance directives and by contesting and revoking inappropriate guardianship orders.

The Legal Assistance Enhancement Program emphasizes the following components that comprise a legal assistance program or network, reflecting the values contained in the OAA and maximizing legal assistance effectiveness, efficiencies and capabilities: outreach efforts; intake strategies; delivery of full-range legal assistance; and essential partnerships within and outside the aging network that serve communities of older Americans.

Federal funding for this grant requires a 25% in-kind or cash match. Existing Aging and People with Disabilities (APD) staff will be involved in the coordination and administration of the grant to advance activities and to provide the 25% in-kind match. No new positions will be created as a result of the grant.

Action Requested

The Department of Human Services (DHS), requests approval to apply for the Legal Assistance Enhancement Program grant (HHS-2019-ACL-AOA-LAEP-0344).

The Honorable Senator Betsy Johnson, Co-Chair
The Honorable Senator Elizabeth Steiner Hayward, Co-Chair
The Honorable Representative Dan Rayfield, Co-Chair
April 3, 2019
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Legislation Affected

None.

For additional information, please call Kristi Murphy, 503-945-6181.

Sincerely,

A handwritten signature in black ink, appearing to read 'ELM', enclosed within a thin black rectangular border.

Eric Luther Moore
DHS Chief Financial Officer

cc: Laurie Byerly, Legislative Fiscal Office
Ken Rocco, Legislative Fiscal Office
George Naughton, Department of Administrative Services
Tamara Brickman, Department of Administrative Services
Cathy Connolly, Department of Administrative Services