

**EXHIBIT A – Grant Rules**



## **EVICITION LEGAL DEFENSE FUND**

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**FISCAL YEAR 2023/24 GRANT RULES**  
**GRANTS APPLICATIONS DUE: 5 p.m., April 28, 2023**

PLEASE CONTACT THE OFFICE OF THE STATE COURT ADMINISTRATOR WITH QUESTIONS  
[EVICITIONLEGALDEFENSEFUND@JUDICIAL.STATE.CO.US](mailto:EVICITIONLEGALDEFENSEFUND@JUDICIAL.STATE.CO.US)

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## 1-1 Definitions

- A. Direct Costs: Represent the expenses that can be identified specifically with the ELDF Grant, and which can be directly allocated with a high degree of accuracy. These include, but are not limited to, salaries, contracted legal services, travel expenses, equipment, and materials that directly support the grant objectives.
- B. Eligible Client: Clients served who meet the definition of indigent as defined below.
- C. Eviction Legal Defense Fund (ELDF): Fund created in Section 13-40-127, C.R.S., *et seq.*
- D. Indigent: As noted in Section 13-40-127(1)(c), C.R.S., for the purposes of this grant indigent refers to a person whose income does not exceed 200% of the family federal poverty guidelines, adjusted for family size, determined annually by the U.S. Department of Health and Human Services.
- E. Indirect Costs: represent the expenses benefiting more than one cost center or activity within the organization and are not readily allocable to the ELDF Grant because they support multiple cost centers or activities within the organization.
  1. *De minimus* indirect costs are calculated by multiplying the modified total direct costs by the indirect cost rate.
  2. The expenses excluded from the modified total direct costs for the ELDF Grant include, but are not limited to, equipment, capital expenses and rent/lease costs.
- F. Nature of assistance provided to clients:
  1. Full/Direct Legal Representation: The attorney and the client sign an Engagement Agreement that includes the general process the attorney will perform and expectations for the attorney and the client. Full Representation involves the attorney taking the lead in drafting and filing court documents, negotiating with opposing counsel, and appearing in court and mediation. Under a Full Representation arrangement, the attorney enters his or her appearance in the court record and all communication with the client from the court or opposing counsel must be made through the attorney.
  2. Educational Clinic: Clinics designed to educate and assist indigent tenants in eviction proceedings, including providing information related to the rights and responsibilities of landlords and tenants.
  3. Legal Advice: Advice and guidance provided to indigent clients by a licensed attorney related to their specific situation. This can include, but is not limited to, legal interpretation and research. Giving legal advice is prescribing or suggesting certain courses of action based on presumed legal knowledge.
  4. Legal Information: General information provided to indigent clients that can apply to anyone in the same situation. This can be done by staff other than a licensed attorney, and does not

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5. establish an attorney-client relationship. Typically, this includes explaining the law and legal system in general terms, not tailored to a specific case.
6. Limited Legal Representation: This is similar to a consulting agreement in which the client contacts the attorney for assistance with specific agreed-upon tasks. This service is fully defined in Rule 11(b) of the Colorado Rules of Civil Procedures.
  - In most situations, the client leads the case and represents themselves (pro se) during court appearances and mediation while the attorney only acts behind the scenes on an as-needed basis. It can also include a one-time appearance by an attorney in court proceedings.
  - Common tasks include answering questions, conducting legal research for a specific issue, reviewing or drafting legal documents, and being available for consultation during mediation.
  - If the attorney drafts documents for the client, other than pre-printed and electronically published forms issued by the judicial branch, the attorney must disclose to the court that drafting assistance was provided. This does not, however, mean that the attorney becomes the client's attorney of record. The client remains pro se.
  - If the attorney does not provide drafting assistance, the court and the opposing party may never know the client has been working with an attorney.
7. Mediation Services: providing mediation services for disputes between landlords and tenants that could prevent or resolve the filing of an eviction.

### **1-2 Authority and Basis**


- A. The Eviction Legal Defense Fund was established by Senate Bill 19-180 and is codified in Section 13-40-127, C.R.S., *et seq.* The Fund is intended to make grants to qualifying organizations to provide legal advice, counseling, and representation for indigent clients who are experiencing evictions or are at immediate risk of an eviction.

### **1-3 Purpose and Scope**

- A. The purpose of these Rules is to define who may apply for grants from the Eviction Legal Defense Fund, how awarded funds may be used, the basic application procedures, and the use of the Fund by the State Court Administrator.
- B. These Rules prescribe the procedures to be followed in making, filing, and evaluating grant applications, the criteria for evaluation, the compliance review process to ensure that organizations are using each grant award as specified, and guidelines necessary for administering the program.

### **1-4 Funding**

- A. The Fund consists of any moneys appropriated by the General Assembly.

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- B. The State Court Administrator may accept gifts, grants, or donations from any private or public source for the purpose of implementing the Fund or Commission.
- C. All moneys credited to the Fund shall be available for grants awarded by the State Court Administrator to organizations for the purposes described in these Rules.
- D. The State Court Administrator may use a portion of the moneys for administrative costs incurred through the implementation of the Eviction Legal Defense Fund.
- E. Any unexpended or unencumbered moneys remaining in the Fund at the end of any fiscal year, along with any investment earnings derived from the deposit and investment of moneys in the Fund, shall remain in the Fund and shall not be credited or transferred to the general fund at the end of the year.
- F. The Office of the State Court Administrator will establish and publish the amounts available for funding grant applications depending on the appropriation from the General Assembly.
- G. This is a reimbursement grant for actual expenses incurred.
- H. The grant fiscal year is July 1, 2023, through June 30, 2024.

**2-1 Who May Apply**

- A. Per Section 13-40-127 (1)(d), C.R.S., a qualifying organization is one that:
  - 1. Has demonstrated experience and expertise in providing full-service civil legal services to indigent clients,
  - 2. Is based in Colorado,
  - 3. Is exempt from taxation pursuant to section 501(c)(3) of the federal "Internal Revenue Code of 1986" as amended, and
  - 4. Obtains more than 20% of its funding from sources other than grants from the Fund.

**2-2 Use of Grant Funds**


- A. Funds shall only be used for services that include:
  - 1. Providing legal representation to indigent tenants for resolving civil legal matters related to an eviction or impending eviction. Such representation may include representation in any forcible entry and detainer proceeding or action for monetary damages related to nonpayment of rent or other lease violation, legal assistance prior to the filing of an eviction, or any other judicial actions in which legal representation is necessary to protect the interests of an indigent tenant,
  - 2. Establishing clinics designed to educate and assist indigent tenants in eviction proceedings, including providing information related to the rights and responsibilities of landlords and tenants,
  - 3. Providing legal information and advice to indigent tenants,

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4. Referring clients to appropriate persons or agencies that provide assistance with issues related to housing, including mediation services and rental assistance programs, and
  5. Providing mediation services for disputes between a landlord and tenant that could prevent or resolve the filing of an eviction.
- B. Indirect costs are allowed at up to 10% of the grant expenses.
1. If the organization has a federally negotiated indirect cost rate (NICR), the organization may charge that rate or 10% *de minimus*, whichever is lower.
  2. If the organization does not have a NICR, indirect costs are allowable using the 10% *de minimus* indirect cost rate.
  3. Administrative costs, calculated using a cost allocation plan, may be charged in lieu of indirect costs but may not exceed the 10% *de minimus* indirect cost amount.
- C. Grant funds shall not be used to reimburse expenses associated with the project that were incurred or contracted for prior to the effective date of the grant contract.
- D. Pursuant to Section 1-45-117, C.R.S., grant funds shall not be used for any advocacy related services. For purposes of these rules, “advocacy related services” means actions to urge electors to vote in favor of or against a current or future ballot issue or referred measure.

### **2-3 Grant Application Procedures**

- A. Applications for grants from the Fund shall be submitted in the manner adopted by the State Court Administrator, in accordance with the timelines and guidelines as set forth in these Rules.
- B. Applications shall be made to the Office of the State Court Administrator.
- C. Applications must be entered and submitted by the deadline of 5 p.m., April 28, 2023, using the online grant management system.
  1. All sections of the application must be completed.
  2. Applications will not be accepted by any method other than the online grant management system, including email, fax, post, or in person.
  3. The organization will receive notification when/if the application is accepted.
  4. The State Court Administrator will not review any applications until after the submission closing date for that award cycle.
- D. Potential applicants may contact the Office of the State Court Administrator at [EviictionLegalDefenseFund@judicial.state.co.us](mailto:EviictionLegalDefenseFund@judicial.state.co.us) during the application process if they have questions about or need clarification related to these Rules or the application process.
- E. The Office of the State Court Administrator may contact and obtain clarifying information and materials after the application due date from an applicant that has submitted an application by

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the deadline to aid in reviewing and scoring the application. This may result in an applicant submitting a revised application and additional information.

### 3-1 Selection Criteria


- A. Per Section 13-40-127 (4)(b), C.R.S., grant awards from the Fund will be distributed to qualifying organizations for each County in proportion to the number of forcible entry and detainer petitions filed in the County. If there is more than one qualifying organization within a County, the awards will be distributed to each qualifying organization in proportion to the number of clients served by each or its predecessor in the preceding year.
- B. The State Court Administrator shall review the applications to ensure that they meet the required qualifications.
- C. Applications requesting funds for any use other than those approved under Section 2-2 A are ineligible for a grant award and will not be considered.
- D. There is no minimum amount for grant applications or awards.

### 3-2 Consideration of Grant Applications

- A. The State Court Administrator will consider all completed applications from a qualified organization for possible funding based upon the criteria contained within these Rules and including, but not limited to, the Legislative Declaration in Section 13-40-127, C.R.S., et seq.
- B. The State Court Administrator may also consider the following aspects in reviewing grant applications:
  1. Where applicable, the organization's ability to meet all grant terms and conditions in the Grant Contract in the prior award period, including, but not limited to, grant reporting and reimbursement requirements.
  2. Where applicable, the results of any programmatic and/or financial review or audit of the organization's performance in the prior grant award period.
  3. The State Court Administrator is satisfied that the organization does not have deficiencies related to the services to be provided or financial obligations to be undertaken through this grant.
  4. Preference will be given to organizations that serve indigent persons at no cost rather than reduced cost.

### 3-3 Grant Selection

- A. The State Court Administrator shall document its recommendations for selection.
- B. The State Court Administrator may expand the criteria used for evaluating grant applications beyond those explicitly stated in these Rules if such additional criteria are necessary for selection of a grant award Recipient.

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- C. The State Court Administrator is not obligated to award grants from the Fund during any grant cycle.

**3-4 Grant Approval**


- A. The State Court Administrator will issue a final approval of grant applications.
- B. The decision of the State Court Administrator shall be final and shall not be subject to any appeal.
- C. Upon the final approval, the State Court Administrator will notify the grant Recipients via a Grant Award letter.

**4-1 Award and Disbursement Process**

- A. The Office of the State Court Administrator will provide a Grant Award Letter to the organizations awarded.
- B. The Office of the State Court Administrator will provide a Grant Contract via the online contract management system. The organization must complete the Grant Contract process using the online system.
- C. The State Court Administrator will coordinate the disbursement of grant funds to the organization. Disbursements will be made solely for the reimbursement of actual expenses incurred by the organization and made in accordance with the Grant Contract.
- D. Reimbursement Requests must include detailed supporting documentation. The State Court Administrator shall review the sufficiency and appropriateness of all reimbursement requests and supporting documentation. The State Court Administrator reserves the right to require additional supporting documentation prior to disbursement.


**4-2 Grant Recipient Obligations**

- A. The organization is responsible for preparing and submitting all programmatic reports, financial reports, and reimbursement requests required by the Office of the State Court Administrator, including additional supporting documentation.
- B. The organization is responsible for semi-annual programmatic reporting requirements using the method outlined by the State Court Administrator and Section 13-40-127 (4), C.R.S. Reports are due in AmpliFund by January 10, 2024, and July 10, 2024. The data to be reported, to the extent possible and the extent it does not violate the privilege and confidentiality of an attorney client relationship, includes, but is not limited to:
  - 1. The number of clients served by the organization,
  - 2. The nature of the assistance rendered to each client, such as providing:
    - a. Educational clinics
    - b. Legal Advice
    - c. Legal Information

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- d. Full Legal Representation
  - e. Limited Legal Representation
  - f. Mediation Services
3. The type of alleged lease violation, if any, for each client,
  4. The amount of rent in dispute, if any, for each client,
  5. The number of tenants the organization was unable to serve,
  6. Demographic data for clients assisted by the organization with a grant from the fund, including:
    - a. Zip code
    - b. Household income
    - c. Family status
    - d. Race and ethnicity information
    - e. Age
    - f. Disability status
  7. The number of referrals to a rental assistance and mediation program provided to clients,
  8. The outcome of each client's case, including:
    - a. Case dismissed
    - b. Filed answers or other brief legal services
    - c. Judgment for possession
    - d. Legal advice provided
    - e. Legal education/information provided
    - f. A stipulated agreement was made that prevented entry of a judgment for possession
    - g. A stipulated agreement was made that provided the client with an opportunity to vacate a judgment for possession at a later date
    - h. Whether the client had to move from the residence, and if yes, whether the client received additional time to move (and how much time was provided).
- C. The organization is responsible for all costs incurred in excess of the grant award that are associated with the grant.



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- D. Once an organization has signed the Grant Contract, the organization shall complete the objectives as designated and described in the grant award.
- E. The organization shall immediately notify the State Court Administrator in writing if the organization becomes aware that the grant funds awarded will exceed the total project costs for a specific project.

**4-3 Project Review and Compliance**

- A. The purpose of the compliance review process is to determine if the organization is using grant funds as specified in the grant award and in accordance with Generally Accepted Accounting Principles.
- B. Depending on the timeframe established in the Conditions of Grant Award or upon request by the State Court Administrator, the grant Recipient shall submit the required reports and any additional items requested to the State Court Administrator detailing specifically how funds have been used.

**4-4 Denial or Termination of Funding**

- A. The State Court Administrator may, in whole or in part, deny or terminate funding for, or impose another sanction on, a grantee for any of the following reasons.
  1. Failure to comply substantially with the requirements and objectives of the Grant Fund, Grant Contract issued thereunder, or other provisions of Federal, State or local law.
  2. Failure to adhere to the requirements, standard conditions, or special conditions of the State Court Administrator or the Commission.
  3. Failure to adhere to the requirements and guidelines of the Grant Contract.
  4. Submitting a request for reimbursement for goods or services not included in the scope of the original application and the purpose of the Fund or submitting request for reimbursement consistently late.
  5. Proposing or implementing substantial program changes to the extent that, if originally submitted, the application would not have been approved for funding.
  6. Failure to submit reports as required by the Grant Contract.
  7. Filing a false certification or request for payment in the application or other report or document.
  8. Other good cause shown.