



## **Bank of America Settlement Funds Request for Proposals**

The South Carolina Bar Foundation (SCBF) received approximately \$6.2 million as a result of a settlement between the U.S. Department of Justice (USDOJ) and Bank of America (BoFA) in a mortgage fraud suit. SCBF has invested the funds and intends to distribute the funds in the future.

The settlement agreement between the USDOJ and BoFA restricts the Foundation's use of the settlement funds to "foreclosure related legal assistance" and "community redevelopment legal services." The SCBF expects to fund eligible organizations over approximately five years. The Foundation will distribute these funds through grants that may range from one to five years, depending on the type of proposals and an evaluation of them by the SCBF. 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 SCBF has complete and total discretion as to awarding grants, the amount of each grant and potentially withholding funding to distribute at a later date for any reason. The exact amount of a grant and the distribution of the funds depend on the number proposals received, the quality of each proposal, as well as the ability of the applicant to meet the reporting requirements contained in this Request for Proposals.

Joint proposals will be accepted by two or more organizations that are looking to collaborate with each other or each may apply for separate grants. For joint proposals, both of the participants must provide legal assistance. If separate proposals are submitted, each must be able to stand on its own merits in case the other is not awarded a grant.

The Foundation will take into consideration whether there is a realistic possibility of becoming self-sustainable after the grant program is completed. Eligible applicants are limited to non-profit organizations located in and providing law-related services in South Carolina. Clients of program applicants must reside in South Carolina.

Once all of the proposals are received and reviewed, the Board will notify the organizations that will be invited to apply for the funds.



## Guidelines

### Eligible Applicants:

To be eligible to receive BofA grant funds, an applicant must:

- Demonstrate the project will do at least one of the following:
  - Provide civil legal assistance to low income individuals in South Carolina
  - Provide law related education to the public in South Carolina
  - Improve the administration of justice in South Carolina
- Qualify as a tax-exempt non-profit organization pursuant to Section 501(c)(3) or related section of the Internal Revenue Code
- Submit a RFP and written narrative proposal by the deadline
- Follow the Foundation's grant proposal format
- Respond timely to questions regarding the RFP
- If invited to apply for a BofA grant, submit the application by the deadline
- Agree to carry out the program for which funds were requested and granted
- Although BofA grant funds do not need to be physically segregated, funds must be shown separately in financial records for ease of reference and verification
- Agree to provide the SCBF, within 90 days after the end of the grant period, a certified audit of all funds received through this grant
- Provide progress reports and results as requested by the SCBF

Grants may be awarded in either of two substantive areas:

#### A. Foreclosure Prevention Legal Assistance

Proposals 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 are looking for proposals that have 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, proposals 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 collaboration necessary to achieve stated goals.

Remember that we are looking for and are obligated to fund projects **providing legal assistance to prevent foreclosure**. 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 of a documented 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 the idea that helping individuals will in turn benefit the whole community. Systemic change is the ultimate goal. Success must be able to 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 modifications
- Assisting with compliance review of violations of state or federal homeowners bill of rights violations
- Assistance with loan modifications, including modification denials, forbearance agreements and repayment plans
- Negotiation, mediation and litigation to address service violations
- Reverse mortgage advice to older adults
- Title restoration in cases of consumer fraud, predatory lending or financial abuse of various types
- 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. Although community redevelopment legal assistance has not been specifically defined in the settlement agreement, proposals 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, ideally most community redevelopment legal assistance 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.

Proposals should demonstrate the possibility of being far-reaching and making a lasting impact on the community the applicant serves. There is some flexibility in defining community redevelopment legal assistance. That said, proposals must demonstrate how they benefit the



whole community and not rely on the idea that benefits to specific individuals will necessarily benefit the community as a whole. Systemic change is the goal. Proposals must define success in a way that can be measured.

Since the term “community redevelopment” is so broad we are demonstrating some 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
- Legal assistance that is transformative for the community in that it promotes systemic change, or promotes economic security and has a broad impact
- 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
- Supporting the development and preservation of affordable housing, childcare, senior centers, job training programs and day labor centers
- 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
- Representation of low-income communities with respect to community conditions, e.g., with respect to environmental justice, equity in transit-oriented development, prevention of and elimination of homelessness, inclusion of affordable housing and other matters that protect the healthy development of communities
- Enforcing rights to habitable housing and preventing displacement through eviction or condemnation
- Fair housing representation for tenants and assisting clients with making disparate impact claims/complaints
- Developing programs, policies, legislation and other strategies to eliminate and prevent conditions of blight and deal with affordable housing
- Supporting entrepreneurial activities to help low income individuals with legal needs that are not presently met
- Access to critical services/utilities, including transportation and infrastructure
- Workforce development, removing barriers to employment (expulsion, driver’s license suspensions)
- Securing fair-wages and employment benefits
- Job training advocacy
- Training low-income community members to advocate on behalf of their community



- Development or expansion in medical-legal partnerships to improve health and well-being of individuals and communities

## Funding Criteria

The SCBF will consider a variety of criteria in reviewing responses to this RFP, including the following:

**Demonstrated Need of the Target Population:** Income may be an eligibility criterion however, 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 issues.

**Impact of Services:** Applicants should describe and define the anticipated outcome(s) of the services intended to be provided 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.

**Timeframe for Achieving Goals:** Applicants must be able to achieve their goals within the term of the grant period. While the SCBF 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:** The SCBF will consider proposals between two or more groups. 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 will be strongly considered.

**Leverage and Sustainability:** Proposals should specify how the 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.



## Evaluation Plans

In addition to relevant data collection and client stories, provided in conjunction with the BofA grant funding, the South Carolina Bar Foundation, as a member of the National Association of IOLTA programs, is requiring that all grantees collect the following data:

### A. Foreclosure Prevention Legal Assistance

- How many individuals were served?
  - Of this number, please identify how many were elderly, children, or 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 identify how many 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.

## 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.



## Request for Proposal Submission

Upon submission, all proposals 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.

The South Carolina Bar Foundation will not be held 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 South Carolina 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 related to the BofA grant.

The RFP 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 materially deviates from the grant, 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.

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.

Please submit the RFP via Dropbox or via email to [foundation@scbar.org](mailto:foundation@scbar.org). Please ensure that the proposal is signed by a person who has the authority to bind the organization to the proposed obligations established by the Foundation.

While not required, if you choose to mail the proposal, please send to the following address:

South Carolina Bar Foundation  
950 Taylor Street  
Columbia, SC 29201



Completed grant proposals must be submitted no later than 5:00p.m., Friday, April 13, 2018. The South Carolina Bar Foundation will review each and determine which potential applicants will be invited to apply. 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.

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

### **Grant Applications**

Potential applicants will be notified via email by the SCBF if they are invited to apply for a BofA grant. Applications will be made available at the time of the invitation.

Grant awards will be announced by the South Carolina Bar Foundation.

### **Questions**

Questions should be directed to Megan Seiner, Executive Director, South Carolina Bar Foundation, 950 Taylor Street, Columbia, SC 29201; 803-576-3786; [mseiner@scbar.org](mailto:mseiner@scbar.org).