

TRANSMITTAL OF RULES ADOPTED

FROM: Office of Community Development
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 73-OCD-02
Emergency rules
relating to (Name of rules or description of subject matter)

WAC 120-52 Funding of Legal Services Programs

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 4285 ^① filed with the code reviser
on Sept. 27, 1973 ^② were regularly adopted as permanent rules of this
(date)
agency at Olympia, Washington on Oct. 19, 1973 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be Nov. 29, 1973 ^③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules is necessary for the preservation of the public
health, safety, or general welfare and that observance of the
requirements of notice and opportunity to present views on
the proposed action would be contrary to the public interest,
were regularly adopted as emergency rules of this agency at
_____ on _____ and are herewith filed in
(place) (date)
the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter
34.04 RCW and of the Open Public Meetings Act of 1971, chapter
42.30 RCW (1971 ex.s. c 250) have been fulfilled.

Dated this 29th day of October 73 1973.

STATE OF WASHINGTON
FILED
OCT 29 1973
CODE REVISER'S OFFICE
DOCKET # 2292 FILE # 1

Office of Community Development
(AGENCY)

Richard W. Heurstel
By

Director
Title

① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)

② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)

③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING:

STATE OF WASHINGTON
OFFICE OF COMMUNITY DEVELOPMENT
for the
PLANNING AND COMMUNITY AFFAIRS AGENCY

ADMINISTRATIVE ORDER NO. 73-OCD-02

(1) I, Richard W. Hemstad, director of the Office of Community Development and the Planning and Community Affairs Agency of the State of Washington, by virtue of the authority vested in me under chapter 34.04 RCW, after due notice and in meeting open to the public, held at 1:30 p.m., Thursday, October 18, 1973, in the Conference Room of the Office of Community Development, Insurance Building, Olympia, Washington, as required by chapters 34.04 and 42.32 RCW, do promulgate and adopt the annexed rules and regulations, to wit:

WAC 120-52 Funding of Legal Services Programs
as permanent rules of this agency.

(2) This order after being first recorded in the order register of this agency shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED October 19, 1973,

By Richard W. Hemstad

Director

Chapter 120-52

FUNDING OF LEGAL SERVICES PROGRAMS

WAC 120-52-070 APPLICATION REQUIREMENTS. An application for financial assistance under this program must be submitted to the Office of Community Development in accordance with the rules and regulations herein set forth and supplemental instructions issued by the Office. An application may be prepared on a form provided by the Office, and shall include, at a minimum, the following data:

(1) Statements and supporting data that substantiate, pursuant to WAC 120-52-030, the eligibility of the applicant for state financial assistance under this program.

(2) A description of the specific effect of requested state financial assistance upon the program and services provided by the applicant.

(3) A description of the staffing and other personnel-related expenses that will be paid from funds received under this program.

(4) A clear explanation of the applicant's total proposed expenditures for the state fiscal year for which state financial assistance is requested. In this section,

(a) expenditures must be grouped into the following standard categories: salaries and employee benefits, equipment usage, office supplies, office space, utilities and travel;

(b) expenditure categories should be broken down into sub-categories as appropriate:

(5) A clear documentation as to source and availability of non-state resources used to match required state funds. For this section,

(a) non-state resources may include:

(i) federal, county, city, and foundation funds as well as funds donated or committed by private individuals and groups; and

(ii) expenditures for salaries, benefits, equipment, supplies, and other operating costs; provided, only the reasonable value of donated office space and equipment use, and only the specific costs of donated office supplies and office utilities may be used for matching purposes.

(b) volunteer attorney at staff time may not be assigned a cost and may not be used for matching purposes.

(6) A documented statement of the amount of funds from each funding source to be used to support the total proposed expenditures. For this section,

(a) at least 50% of the applicant's proposed expenditures must be supported by non-state resources;

(b) non-state resources used to support expenditures must conform to the criteria for matching funds specified in WAC 120-52-070 (5);

(c) documented commitments from the federal government, cities, counties, foundations, or other funding sources must be included; and

(d) certification of funds raised through general donations and commitments from individuals or groups must be kept on file available for audit.

(7) The signature of the executive head of the applicant and documentation that the proposed program and application have been reviewed and approved by the advisory body or board of directors of the applicant.

WAC 120-52-090 FUNDING PROCESS. (1) State financial assistance will be provided to an applicant for a legal services program approved for funding by the Office of Community Development only in accordance with a state contract for services between the applicant and the Office of Community Development.

(2) The terms of the contract shall set forth the obligations and services required of the applicant and shall be consistent with the purposes of providing state financial assistance for legal services programs as specified in WAC 120-52-010.

(3) The contract shall establish reporting and program information requirements appropriate to measure the performance of the applicant.

WAC 120-52-010 GENERAL PURPOSE. A procedure is hereby established to provide and distribute state financial assistance to legal services programs throughout the state pursuant to Section 49, Chapter 137, Laws of 1973, First Extraordinary Session. State funds shall be provided to maintain effective legal services programs on an interim basis until additional federal funds are available through the proposed National Legal Services Corporation or other entity designated by the federal government for this purpose. The objective of state financial assistance for legal services programs is to ensure that individuals have access to civil legal assistance through the continuation of existing legal services programs and through the development of a comprehensive state-wide program eligible for full federal funding.

WAC 120-52-030 ELIGIBILITY OF APPLICANTS. To be eligible to receive financial assistance from the State of Washington under this program, an applicant must meet the following criteria:

(1) The applicant must be either a unit of general local government or a non-profit corporation organized under Chapter 24.03 RCW.

(2) The purpose and function of the applicant must be to provide legal assistance in civil matters to low-income individuals in the State of Washington.

(3) The applicant must meet, and continue to meet, the qualifications for legal services offices established by the federal government through the Office of Economic Opportunity or the proposed National Legal Services Corporation or any other federal entity that provides federal funds for legal services programs.

(4) The applicant must participate in the planning, development, support, and operation of a state-wide legal services program for the State of Washington.

(5) The applicant must provide for representation on its advisory body or board of directors for both low-income individuals and members of the local bar association in its geographic area.

(6) The applicant must fulfill the matching fund requirements established within the legislative appropriations of state funds and this chapter for this program.

(7) The applicant must comply with Title VI of the Civil Rights Act of 1964, and all subsequent requirements adopted by the federal and state governments requiring equal opportunity for programs receiving federal or state financial assistance.

WAC 120-52-050 APPLICATION PROCESS. (1) To receive financial assistance for a legal services program pursuant to this chapter, an applicant shall submit to the Office of Community Development, which acts on behalf of the Planning and Community Affairs Agency in connection with this program, an application completed as specified in WAC 120-52-070 and in accordance with the time schedules and deadlines for applications prescribed by the Office of Community Development.

(2) No formal hearing on the application will be held, but consultation may take place with the applicant regarding its proposed legal services program if deemed necessary by the staff of the Office of Community Development.

(3) Within sixty days of the receipt of an application, the Director of the Office of Community Development or his designee shall review the application and notify, in writing, the applicant of the Office's action with respect to the application. An application shall be rejected whenever it does not include the information requested in WAC 120-52-070. Whenever an application for financial assistance is approved for funding, the Director or his designee shall specify whether the applicant shall be provided all or a portion of the state financial assistance requested in the application.

(4) The decision of the Director regarding an application for financial assistance under this program shall be final.