

States' Minimum Percentage of Title IIIB Funds & Expenditures for Legal Assistance

Since 1987, the Older Americans Act (OAA) has required state agencies on aging to establish a minimum proportion/percentage of Title IIIB funds to be expended by each area agency (in the absence of a waiver) on each of the IIIB priority services. The three priority services are: access, in-home, and legal assistance. In the April 2001 issue of the BPN, TCSG compiled information by polling state legal services developers on three things: (1) minimum percentage of IIIB funds established for legal services; (2) number of waivers granted allowing area agencies to expend no IIIB funds on legal services; and (3) number of waivers granted allowing area agencies to expend less than the IIIB minimum on legal services.

Below, we present an update of that information, plus additional information. The update also includes FY 2010 data on actual expenditures and actual percentages of IIIB funds spent on legal services. This data is from AoA's/ACL's FY 2010 National Aging Program Information System (NAPIS) report which can be found at http://www.aoa.gov/AoARoot/Program_Results/SPR/Index.aspx. Further, the update includes information collected from State Legal Services Developers on expenditures for legal services (see Note 4) as well as on minimum percentages and waivers.

Note 1: States with AAAs are shown in Section I. States without AAAs--i.e. the state agency makes the funding decisions re legal services--are in Section II.

Note 2: It is instructive to compare (a) the minimum % of IIIB funds [as set by the states] that each AAA must expend on legal services (middle column under "Collected from State Legal Services Developers in 2012 by TCSG") with (b) the % of IIIB actually spent by AAAs within states on legal services (column 3 under "FY 2010 NAPIS Reported Expenditures and Percentages"). In the majority of states, the percentage of IIIB actually spent by AAAs is substantially higher than the minimum percent.

Note 3: The figures from NAPIS Table 6a-Expenditures for Legal Services from Title III--(first column, left side of chart, under "FY 2010 NAPIS Reported Expenditures and Percentages") include expenditures from IIIB-Supportive Services, IIIC-Nutrition Services, and IIID-Disease Prevention Services (but not IIIE-Caregiver Support Program). Because neither Nutrition funds nor Disease Prevention funds are used for legal services, TCSG did its calculation of percentage of IIIB actually spent on legal services based on the assumption that the full amount expended on legal services came from IIIB, and not IIIC or IIID.

Note 4: Figures in first column, right side of Chart under "Collected from State Legal Services Developers in 2012 by TCSG" are rough, and do not reflect the same thing for all states. TCSG asked developers for Title IIIB Expenditures for Legal Services. Some supplied IIIB only; others included state and local match, and others included other non-IIIB sources of funds. We provide as much detail as available to us.

State	FY 2010 NAPIS Reported Expenditures and Percentages				Collected from State Legal Services Developers in 2012 by TCSG.		
	Expenditures for legal services from III-B - NAPIS Table 6a. (see Note 3 above.)	Expenditures for all III-B services (legal and other) - NAPIS Table 7	Expenditures for legal as % of all III-B expenditures- TCSG calculated. (See Note 3.)	Expenditures For legal from all sources - (T III, match & other) - NAPIS Table 6b	III-B expenditures for legal services statewide (See Note 4 above.)	Minimum % of III-B funds that each AAA must spend for legal services- set by state	Information on waivers allowed by State
Section I: States with AAAs							
AK (0 AAAs)	See Section II						
AL (13 AAAs)	\$404,576	\$5,374,451	7.53%	\$780,357	\$418,670 (incl state & local match) in FY 11.	6.70%	no waivers
AR (8 AAAs)	\$122,079	\$2,807,196	4.35%	\$134,153	\$124,256.40	5% (recently increased from prior 2% minimum)	no waivers
AZ (8 AAAs)	\$522,318	\$8,706,140	6.00%	\$797,805	Currently \$515,567 IIIB in AAA budgets	4.00%	no waivers
CA (33 AAAs)	\$3,671,102	\$28,464,543	12.90%	\$10,490,475	\$4,064,124 fed share of IIIB. Total expenditure for legal was \$10,715,938 in FY10/11 which included match, leveraged funds and program income	No set %	All AAA's in CA are funded for Legal Assistance, but 3 AAA's currently do not have a provider contract, despite sending an RFP (no takers).

State	Expenditures for legal services from III-B - NAPIS Table 6a. (see Note 3 above.)	Expenditures for all III-B services (legal and other) - NAPIS Table 7	Expenditures for legal as % of all III-B expenditures- TCSG calculated. (See Note 3.)	Expenditures For legal from all sources - (T III, match & other) - NAPIS Table 6b	III-B expenditures for legal services statewide (See Note 4 above.)	Minimum % of III-B funds that each AAA must spend for legal services- set by state	Information on waivers allowed by State
CO(16 AAAs)	\$450,672	\$4,220,089	10.68%	\$704,517	CO spent \$380,671 on IIIB legal in Fed. FY 2011	3%-most AAAs exceed that by 3-4%	No waivers to spend \$0.1 waiver to spend less than 3% (waiver no longer exists as another provider took over contract).
CT (5 AAAs)	\$296,071	\$3,843,713	7.70%	\$584,223	\$254,131 of IIIB funds	6%-Several AAAs exceed	no waivers
DC (0 AAAs)	See Section II						
DE (0 AAAs)	See Section II						
FL (11 AAAs)	\$1,781,275	\$28,290,368	6.30%	\$2,180,410	\$1,700,000	1.00%	no waivers
GA (12 AAAs)	\$740,153	\$6,289,526	11.77%	\$1,083,532	\$734,019 of IIIB. Total \$1,040,925 **Georgia looks at min funding both in terms of a min. % and also a minimum dollar amount deemed the floor for a legal services program.	Georgia takes a noteworthy approach requiring a minimum of 5% of IIIB funds or \$60,000 (which may not include state/local match) -- <u>whichever is greater</u> -- and no less than \$20,000 must come from IIIB funds.	no waivers
HI (4 AAAs)	\$331,646	\$1,470,645	22.55%	\$394,525	\$292,464 of IIIB	no set %	no waivers
IA (AAAs reduced from 13 to 6 as of 7/1/2013)	\$213,398	\$3,261,472	6.54%	\$324,719	\$239,902	3.00%	no waivers
ID(6 AAAs)	\$88,569	\$1,680,310	5.30%	\$97,253	\$90,605 for legal services	3% (Info supplied by a AAA.)	no waivers
IL (13 AAAs)	\$892,807	\$11,408,776	7.83%	\$1,998,128	\$951,701 in total IIIB funding for legal	2.90%	no waivers
IN(16AAAs)	\$253,758	\$6,642,028	3.82%	\$452,786	Information not available	3%	Information not available.
KS(11 AAAs)	\$267,064	\$2,962,179	9.02%	\$342,579	\$351,879 FFY 2011	5.00%	no waivers
KY(15 AAAs)	\$199,356	\$4,944,305	4.03%	\$301,564	KY budgets \$231,134 for Legal	No set % for legal, but do require a minimum of 65% of IIIB to go to access, in-home and legal combined.	no waivers
LA (36 AAAs)	\$76,631 (NOTE: TCSG believes this may be an error in NAPIS data.)	\$4,416,836	1.73%	\$293,792	\$269,372	5.00%	LA has discontinued any waivers of any kind.
MA (23 AAAs)	\$1,206,916	\$5,414,752	22.29%	\$2,305,972	\$1,222,309 based on 2011 State Prog Rept	8% but w/ Maintenance of Effort for IIIB firm late 1980s. Actual ranges from 8% to 28%. A few AAA's fund over the Maintenance of Effort level.	no waivers

State	Expenditures for legal services from III-B - NAPIS Table 6a. (see Note 3 above.)	Expenditures for all III-B services (legal and other) - NAPIS Table 7	Expenditures for legal as % of all III-B expenditures- TCSG calculated. (See Note 3.)	Expenditures For legal from all sources - (T III, match & other) - NAPIS Table 6b	III-B expenditures for legal services statewide (See Note 4 above.)	Minimum % of III-B funds that each AAA must spend for legal services- set by state	Information on waivers allowed by State
MD (19 AAAs)	\$351,451	\$4,229,381	8.31%	\$941,542	FY 2011, total IIIB funding was \$429,442	5.00%	Allow waiver for \$0 IIIB if AAA can show pro bono sufficient to meet need. Have only had one (rural) of 19 AAAs exercise this option)
ME(5 AAAs)	\$138,258 (NOTE: TCSG believes this may be an error in NAPIS data.)	\$1,147,334	12.05%	\$147,789 (NOTE: TCSG believes this may be an error in NAPIS data.)	\$340,000 of \$1M+ budget	10.00%	no waivers
MI(16 AAAs)	\$736,562	\$8,310,381	8.86%	\$966,977	\$744,130 in FY2011 (FY2012 allocations are for \$640,000, but actual expenditures will likely be higher.)	6.50%	1 waiver - AAA uses millage \$ to meet 6.5% min.
MN(14 AAAs)	\$570,493	\$3,634,033	15.70%	\$1,247,500	\$693,000	Not to exceed 25%; no official policy, but general guideline is 5% minimum	No AAA's spend less than 5% on legal services.
MO (10 AAAs)	\$197,451	\$6,519,198	3.03%	\$231,294	\$66,836 of IIIB is the minimum amount required.	1.00%	no waivers
MS (10 AAAs)	\$101,671	\$1,310,427	7.76%	\$147,662	Information not available	Information not available	Information not available
MT (11 AAAs)	\$84,546	\$1,126,904	7.50%	\$161,466	MT IIIB funds is \$178,000	4.00%	no waivers
NC (17 AAAs)	\$452,033	\$12,823,854	3.52%	\$538,132	NC budgets \$224,445 for IIIB Legal	2.00%	no waivers
ND (0 AAAs)	See Section II						
NV (0 AAAs)	See Section II						
NE (8 AAAs)	\$155,731	\$2,152,868	7.23%	\$333,258	\$44,000	2% A few AAAs do more than the minimum	no waivers
NH (0 AAAs)	See Section II						
NJ (21 AAAs)	\$1,171,036	\$9,581,425	12.22%	\$1,809,970	\$743,000	5.00%	no waivers
NM(6 AAAs)	\$130,112	\$1,643,920	7.91%	\$623,286	\$104,711 (plus \$239,289 in state funds & \$36,000 in local money.)	2.10%	no waivers
NY(59 AAAs)	\$2,583,296	\$16,102,744	16.04%	\$4,267,989	\$3,546,723	7.00%	no waivers
OH (12 AAAs)	\$770,385	\$9,364,411	8.23%	\$1,095,572	\$768,865 from IIIB. (Total exp. including match, other resources and \$38,732 of III E \$, was \$1,152,700)	5.00%	no waivers

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OK (11 AAAs)	\$292,910	\$3,522,332	8.32%	\$339,447	In state FY 2011 \$230,998 from IIIB funds (\$346,497 total spent on legal assistance in OK)	30% of IIIB funds in OK go to three priority service categories- access services, in-home services, & legal assistance with no less than 5% for any one priority service	no waivers
OR (18 AAAs)	\$279,562	\$3,153,686	8.86%	\$390,980	\$266,098 IIIB funds for legal in 2011	3.00%	no waivers
PA (57 AAAs)	\$820,625	\$24,667,226	3.33%	\$1,887,661	Information not available	Information not available	Information not available
RI (0 AAAs)	See Section II						
SC (10 AAAs)	\$153,722	\$5,487,882	2.80%	\$195,772	Legal services dollars: \$126,328	Ind.AAAs/ADRCs (rather than state) set min.%	Some set very low %'s; some higher than expected.
SD (0 AAAs)	See Section II						
TN (9 AAAs)	\$383,361	\$8,466,594	4.53%	\$474,521	\$446,204	No set %	no waivers
TX (28 AAAs)	\$1,319,361	\$19,564,328	6.74%	\$2,590,348	Information not available	2% is the minimum, but most AAA's spend more than that.	1 waiver is Texoma, but any AAA requesting a waiver needs to prove there is enough alternate funding for legal aid.
UT (12 AAAs)	\$54,065	\$1,827,708	2.96%	\$101,869	\$71,236	2.00%	no waivers
VA (25 AAAs)	\$306,168	\$9,993,195	3.06%	\$547,247	\$323,208 (this is the 1% budget amount), but \$495,423 is actually spent by the AAA's on legal services that includes local funds and non-Title IIIB funds.	1.00%	VA has had past waivers, but as of April 2012, no waivers are allowed.
VT (5 AAAs)	\$244,211	\$1,934,400	12.62%	\$291,437	\$252,715 (total state expenditures on legal services is \$307,583 from state and local funds.)	5.00%	no waivers
WA (13 AAAs)	\$815,842	\$6,609,510	12.34%	\$817,412	Total T3B funding in 2011 was \$9,791,493 of this \$522,069 is held back for administration. The remainder is dispersed to the AAAs.	11.00%	no waivers

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WI (3 AAAs) (In 2013, WI went from 6 AAAs to 3)	\$1,125,147 (Note: this includes county-based benefit specialists)	\$4,479,663	25.12%	\$2,643,037 (Note: this includes county-based benefit specialists.)	\$328,423 for attorneys who supervise the Benefit Specialists and represent older persons on benefit matters	5.00%	no waivers
WV (4 AAAs)	\$75,000	\$2,342,065	3.20%	\$112,305	Total IIIB, incl state and federal for WV for FY2012 is \$103,261	WV has one statewide legal program, WV Senior Legal Aid. The SUA combines IIIB funds for each of 4 AAAs and supplements it with State funds. One AAA (NW AAA) then administers the contract.	no waivers
WY (0 AAAs)	See Section II						
Section II: States with No AAAs							
AK (0 AAAs)	\$97,890	\$1,712,876	5.71%	\$494,992	\$145,375 grant to AK LS-FY 11	Is no set %. Equals 8% of IIIB-\$1,827,011 in FY 11	not applicable
DC (0 AAAs)	\$72,306	\$1,418,246	5.10%	\$589,753	Information not available	No set %	not applicable
DE (0 AAAs)	\$73,119	\$1,819,157	4.02%	\$73,119	\$74,581 for FY 2012	No set %	not applicable
ND (0 AAAs)	\$298,674	\$1,757,334	17.00%	\$444,463	\$240,000	No set %, Flat amount of \$240,000	not applicable
NH (0 AAAs)	\$117,967	\$1,730,717	6.82%	\$212,291	\$148,630.71	No set %	not applicable
NV (0 AAAs)	\$325,009	\$2,619,674	12.41%	\$325,009	\$143,722 of IIIB and \$201,300 in Tob Settlement \$. Total: \$345,022	Have policy to distribute funds based on "essential services". Legal is "essential" service.	not applicable
RI (0 AAAs)	\$70,000	\$1,028,196	6.81%	\$213,312	usually right at \$70,000	No set %	not applicable
SD (0 AAAs)	\$120,187	\$2,128,915	5.65%	\$160,249	\$120,187 IIIB funds for legal in 2011	2.00%	not applicable
WY (0 AAAs)	\$56,731	\$1,593,301	3.56%	\$89,204	\$88,300	The figure is non-mandated funding, but usually (and most recently) equals a 5% minimum.	not applicable
US TOTAL	\$26,063,273	\$316,001,214		\$48,773,655			