

# Raising the Low-Income Voice

Case Studies in Democratic Selection Procedures



## INTRODUCTION

*Updated April 2021*

Since the inception of the Economic Opportunity Act, a fundamental goal of Community Action has been to provide low-income individuals with a voice in the administration of its poverty-alleviating programs. With the Community Services Block Grant (CSBG) Act's call to achieve "maximum participation" of the low-income community in the development, planning, implementation, and evaluation of CSBG-funded programs, a critical venue for the low-income community's participation is their representation on the tripartite board.

Despite the importance placed on maximum participation of the low-income community, there is relatively little federal law that explains what this means in the context of governance practices and procedures. The federal CSBG Act requires that "(i) not fewer than 1/3 of the members [of the board] are persons chosen in accordance with democratic selection procedures adequate to assure that these members are representative of low-income individuals and families in the neighborhood served; and (ii) each representative of low-income individuals and families selected to represent a specific neighborhood within a community ... resides in the neighborhood represented by the member..." [42 U.S.C. §9910 \(a\)\(2\)\(B\)](#).

The only further federal guidance comes in the [Information Memorandum \(IM\) 82](#) from the Office of Community Services (OCS). This nonbinding guidance advises Community Action Agencies (CAAs) to "assure that board members representing low-income individuals and families...have been selected on the basis of some form of democratic procedure either directly through election, public forum, or, if not possible, through a similar democratic process

such as election to a position of responsibility in another significant service or community organization such as a school PTA, a faith-based organization leadership group; or an advisory board/governing council to another low-income service provider."

IM 82 advises CAAs to ensure democratic selection procedures "directly through election [or] public form," but if that is not possible, it lists a number of alternatives. The case studies in *Raising the Low-Income Voice* are focused on the "direct" democratic procedures. If a CAA determines that direct democratic procedures are not possible, it will likely be able to comply with the law by creating what may be called "micro" democratic selection procedures, whereby the CAA asks another group that is representative or comprised primarily of low-income individuals (e.g., a tenants' association from a local low-income housing development) to select someone from their group to sit on the CAA's board. Some of the snapshots in CAPLAW's *Preserving the Low-Income Voice* resource discuss this type of "micro" democratic selection process.

While it is clear that CAAs must establish some kind of democratic selection procedure, it is not clear what that procedure should, or can, look like. Thus, it may come as no surprise that one of the more common questions asked of CAPLAW is, "How do we conduct a democratic selection process?" We initially created [Raising the Low-Income Voice: Case Studies in Democratic Selection Procedures](#) to help the Community Action network answer this question by learning from their peers.

When the COVID-19 pandemic upended CAA operations beginning in 2020, we updated the case studies to reflect how these CAAs

adapted their existing processes to retain maximum feasible participation while ensuring effective and safe governance practices. We also developed a supplemental resource, [Preserving the Low-Income Voice: Snapshots of Democratic Selection Procedures in a Pandemic](#), featuring additional examples of innovative and successful processes developed by CAAs in the midst of the pandemic.

In sharing the insights and practices of these CAAs, we hope to provide you with ideas for how to conduct the democratic selection process. It is CAPLAW's view that all of the practices contained in this resource are consistent with federal law and guidance from OCS. However, it is critical to remember that each state may establish its own law regarding the administration of CSBG funds, including the composition and selection of board members. A CAA will need to follow its state law, as long as the law is not in conflict with the federal CSBG Act. To ensure that your selection process is consistent with both federal and state law, CAPLAW recommends consulting an attorney who is licensed to practice in your state.

The selection procedures in these case studies may be employed by private or public CAAs, although public CAAs have the option to use “another mechanism specified by the State to assure decision-making and participation by low-income individuals in the development, planning, implementation, and evaluation of programs funded under [the federal CSBG Act].” [42 U.S.C. §9910\(b\)\(2\)](#). Public CAAs should note that if they choose to employ a democratic selection process, the federal CSBG Act requires that low-income board members “reside in the neighborhood served.” [42 U.S.C. §9910\(b\)\(1\)\(B\)](#). This residency requirement does not exist for private, nonprofit entities.

CAPLAW hopes to continue to add to these case studies and encourages other CAAs to contact us with their democratic selection procedures.

# Raising the Low-Income Voice

Case Studies in Democratic Selection Procedures



## Table of Contents

Case Study 1: Community Action, Inc.	4
Case Study 2: Southeastern Idaho Community Action Agency	16
Case Study 3: United Planning Organization	28