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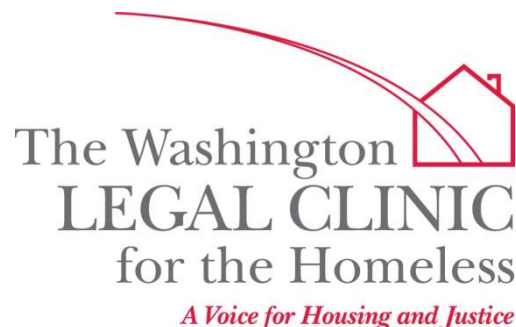
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**DC Council Committee on Human Services
Public Hearing & Oversight Roundtable on
B22-0635 and the Closure of DC General Family Shelter
March 14, 2018
Amber W. Harding**

Good morning Chairperson Nadeau and Council members. My name is Amber Harding and I'm an attorney at the Washington Legal Clinic for the Homeless. The Legal Clinic envisions – and since 1987 has worked towards – a just and inclusive community for all residents of the District of Columbia, where housing is a human right and where every individual and family has equal access to the resources they need to thrive.

The Legal Clinic, which is in Ward 1, strongly supports the Ward 1 apartment-style shelter that replaces the Spring Road family shelter. It is critical that we keep our inventory of apartment-style shelter up, both to comply with the law and because it is a more humane setting for families.

I would like to focus my testimony on concerns with the new plan to close DC General. We continue our strong support for closing DC General and replacing it with smaller, healthier and safer shelters across DC. For far too long—at least 15 years by our count—DC has allowed homeless children and their parents to suffer from poor conditions, poor design, and poor services in this building. But closing DC General is not an end unto itself. Closing DC General is the natural consequence of replacing its capacity with better shelters. It is a result, not a cause. If DC General is closed in a way that risks the health and safety of the families who live there and other families who need shelter in DC, then the injustice of placing families there in the first place will be compounded, not alleviated.

From day one of her term until January of this year, the Mayor promised not to close DC General until replacement shelters are ready. That commitment is critical not just because the Mayor should keep her promises, but because there has been significant reliance on that promise by multiple stakeholders:

- When we pressed for the replacement shelters to have private bathrooms, the Mayor got many of your votes, and even some advocates' support, for a lower standard by repeatedly asserting that building private bathrooms would delay the closure of DC General—because DC General could not close until the new shelters were ready.
- When we raised concerns about the cost and location of the sites in the replacement plan, the Mayor said any changes to that plan would delay the closure of DC General—because DC General could not close until the new shelters were ready.

- When neighbors of the new sites complained about the process or suggested that there were better sites out there that wouldn't require so many zoning exceptions, the Mayor's team said they had to press forward with these sites without looking at others—because DC General could not close until the new shelters were ready.

Now that the Mayor has lowered the design standard for family shelters, the Council has approved 6 new sites and funded their construction, and all the sites have zoning approval, the Mayor has gotten everything she needs from her promise that DC General could not close until the new shelters were ready. It begs the question—was the promise ever made because it was the right thing to do for homeless families? Or was it always a negotiating chip on the table—a threat to Council members, advocates, and neighbors—that if you want to close DC General, you have to support the Mayor?

Now that the shelters are moving forward, that negotiating chip, that promise, has apparently become less valuable than the land that DC General sits on, as the Mayor now offers it to the richest man in the world, Jeff Bezos. Of course the Administration says that the bid for Amazon has nothing to do with going back on her word. But then why close DC General now? They'll say it's because it is urgent to close DC General, for the families, but there is no explanation regarding why it's more urgent now than 6 months ago or why they would demolish buildings while the families are there, if the sole interest is the health and well-being of the families.

The following are our most serious concerns:

1. Families at DC General and women at Harriet Tubman could suffer serious health consequences if abatement and deconstruction occur while they live there.

We cannot just take this Administration's word that it is perfectly safe to do lead and asbestos abatement on two buildings, one that actually adjoins the shelter, and demolish a building while families are still living in DC General. The demolition on Building 9 is planned for this upcoming summer, when children will be home from school during the day and will likely be playing on the playground less than 400 feet from the demolition.¹

The demolition of buildings can release dust, lead, and mold particles into the air, causing or complicating a variety of adverse health conditions. Children, pregnant women, people with immune-compromised disorders, and people with asthma are at elevated risk for complications. (There are hundreds of children living at DC General right now. Health practitioners estimate that one-third of them suffer from asthma.²) During demolition, the concentration of particulate matter in the air increases and affects those living in buildings next to the demolition sites.³ Several substances, such as lead, asbestos, and aspergillus fungus can be released into the air in dust from demolition and can cause serious health issues if inhaled by people living near the demolition site.

¹It wouldn't be the first time this Administration failed to adequately consider environmental justice concerns in this process: remember that, until this Council intervened, the Administration tried to locate a replacement shelter in an industrial zone with major pollutants, despite concerns about environmental and health hazards to homeless families.

² https://www.washingtonpost.com/local/social-issues/dc-has-one-of-the-nations-highest-childhood-asthma-rates-so-why-is-the-city-planning-to-house-homeless-kids-next-to-a-bus-garage/2016/04/21/7fae0064-01c5-11e6-9d36-33d198ea26c5_story.html?utm_term=.25c4aca5a9f0

³Samuel Dorevitch et al., Demolition of High-Rise Public Housing Increases Particulate Matter Air Pollution in Communities of High-Risk Asthmatics, 56 Journal of the Air & Waste Management Association 1022–1032 (2006).

Compliance with federal regulations on particulate matter may not serve to entirely mitigate the negative health effects on the surrounding communities.⁴ Drastically increased amounts of particulate matter have been measured after demolitions that did not violate EPA standards, and a correlation between high particulate matter concentration from demolition projects and increased mortality has been observed.⁵ (There do not seem to even be EPA standards for lead removal in residential building demolitions, much less the demolition of a very large commercial building.⁶) Even with abatement, it is likely that populations exposed to dust from demolition will have increased health risks due to fugitive dust, fungus, asbestos, and lead.

According to the Centers for Disease Control:

“Protecting children from exposure to lead is important to lifelong good health. No safe blood lead level in children has been identified. Even low levels of lead in blood have been shown to affect IQ, ability to pay attention, and academic achievement. And effects of lead exposure cannot be corrected.”⁷

The Administration should not be taking *any* steps that would increase the risk of negative health outcomes on the children or parents who still call DC General their temporary home.

2. Families will suffer from increased denials of shelter eligibility, leaving families in unsafe settings.

Our many years of experience have shown us that whenever there is a reduction in shelter capacity, there is an increase in unlawful denials for shelter applicants. If the new timeline is to benefit homeless families, the Administration should not leave any eligible families on the street or in other unsafe settings to artificially suppress numbers. (It will be very difficult to see this, as the Department of Human Services often masks turn-aways by calling some portion of them “diversion.”)

3. Families will be placed in hotels and motels that have poor conditions or are removed from transportation and services.

All newly sheltered families after April and any remaining DC General families in the fall probably will be rerouted to hotels. Much like families once preferred DC General to DC Village, families used to prefer hotels to DC General. But lately, the conditions at some of the hotels on New York Ave have become worse than the conditions at DC General, and the Administration has been cited by the Inspector General for lack of appropriate oversight and monitoring of these hotels.⁸ Hotels on New York Ave are challenging enough to reach by public transportation, but when those hotels run out of space, families have been placed out as far as Largo, Maryland and have reported two-hour bus commutes to get their kids to school.

4. Families will be pressured to move out of DC General into housing that does not meet their needs.

We have already heard from many families concerned about how they will be supported in their hopes of attaining affordable and appropriate housing. Many want to leave DC General, but are fearful of undergoing the trauma of eviction if they are placed into rapid re-housing and cannot

⁴ EPA rules about lead-safe practices do not “apply to total demolition of a structure.” <https://www.epa.gov/large-scale-residential-demolition/lead-based-paint-and-demolition>

⁵ Dorevitch, *supra* note 4 at 1022, 1031.

⁶ See <http://www.sightline.org/2014/11/03/toxic-leads-home-demolition-loop-hole/>.

⁷ https://www.cdc.gov/nceh/lead/acclpp/blood_lead_levels.htm

⁸ <http://app.oig.dc.gov/news/view2.asp?url=release10%2FDepartment+of+Human+Services+OIG+Project+No+18-1-01JA%2EPDF&mode=iande&archived=0&month=00000&agency=0>

afford the unit at the end of the subsidy.⁹ They worry about being pushed into apartments that are too small or have poor conditions. The Administration needs to ensure that the right balance of housing interventions are offered to families, not just rapid re-housing, and must ensure that the housing offered is appropriate for the family.¹⁰

5. If there are increased costs due to the new timeline, DC will take money away from other critical needs.

The fiscal impact statement for the 2016 legislation that set out the replacement sites assumed that all replacement shelters would be open one month before DC General closed. Hotels cost more than DC General so there may be unanticipated fiscal pressures directly resulting from closing DC General before replacement shelters are ready. There may also be increased housing placements to lower the census of DC General. Finally, it is unclear where the \$11 million for the deconstruction contract has come from or whether there would be efficiencies if abatement and demolition could occur after the families moved out, when fewer safety precautions were required.

Thank you for the opportunity to testify. I am happy to answer any questions.

⁹ <http://www.legalclinic.org/set-up-to-fail-rapid-rehousing-in-the-district-of-columbia/>

¹⁰ Some recommendations can be found here: <http://fairbudget.org/fy19-budget-season.html>.