

True Reformer Building
1200 U Street, NW
Washington, DC 20009
(202) 328-5500
www.legalclinic.org



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A Voice for Housing and Justice

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Testimony before the DC Council Committee on Human Services
Hearing on [B22-293](#), "Homeless Services Reform Amendment Act of 2017"
Presented by Patricia Mullahy Fugere
June 14, 2017

Good morning, Committee Chair Nadeau and Members of the Council. My name is Patricia Mullahy Fugere, and for more than 25 years I have had the privilege of serving as executive director of the Washington Legal Clinic for the Homeless. Established in 1987, the Legal Clinic is a not-for-profit organization dedicated to ending homelessness and expanding the supply of affordable housing in the nation's capital through both legal representation and policy advocacy. We believe that housing is a human right and that our government has a corresponding duty to respect, protect, and fulfill that right. I should add that the Legal Clinic does not, and never has, received public funding from any government agency, federal or local.

Thank you for the opportunity to share my thoughts with the committee about the District's efforts to revamp the Homeless Services Reform Act. I'd like initially to underscore that we at the Legal Clinic believe that every person in DC who has no safe place to sleep at night should have access to safe, humane shelter, unfettered by bureaucratic hurdles; that clients in shelter and housing programs deserve due process and fair, transparent policies; and that the root cause of homelessness – the lack of affordable housing – cannot be solved by narrowing the front door to shelter or by imposing arbitrary time limits on housing. I would also like to note that the Legal Clinic has been involved in some way in every stage of development of the HSRA, from initial brainstorming in 2001 with various stakeholder communities about how to improve DC's shelter system and what an ideal law should and should not include; to commenting on draft proposals; to testifying before the Council and advocating for a strong and fair bill's passage; to helping write regulations; to establishing more effective tools for monitoring; to opposing a variety of proposed changes to the law that would have caused harm to our clients; to protecting our clients' rights under the law. Our knowledge of the HSRA is intimate; our familiarity with the relief and support it can provide to residents in crisis is deep. Unfortunately, so too is our awareness of the pain it can cause such residents when its provisions are misinterpreted or implemented in a punitive way, or when the protections of this important law are dialed back.

Yet we do not root our comments solely in our three decades of experience working with the HSRA and its predecessor laws. We root them in the experiences and input of our clients and other community members who know too well the marginalization that losing one's home



can cause. Five days ago, we hosted a meeting at the Legal Clinic to discuss the Administration's proposals and to listen to the input of sixty attendees, some of whom were colleagues from the legal services, homeless services, and advocacy communities, and many of whom have had a lived experience of homelessness and first-hand knowledge of the various programs governed by the HSRA.

There is virtually nothing in the proposed package of amendments that addresses what we heard from those community members...nor, quite frankly, what the ICH heard from community members in its HSRA meetings last year. There is nothing in the amendments that fixes the substandard shelter conditions that a good number of shelter residents are forced to endure, including being forced to wait outside in the rain to enter shelter even when staff are available inside and could let them in (a concern we regularly hear). There is nothing to address the lack of effective monitoring and the failure to respond to residents' complaints. There is nothing in the legislation before the Committee today that tells our homeless neighbors that they are valued and cherished members of our community and that we want them to be our neighbors and to enjoy the benefits of a vibrant and vital DC.

Rather, we see before us a proposal that seems to assume that applicant families, in particular, are either liars or cheats, and imposes on those families stringent requirements and burdens of proof that are akin to being on trial for the commission of a crime. What message does that send? What is our government telling the young child whose mom can't provide documentation that the family has exhausted the hospitality of every possible family member and friend, and even a few strangers thrown in for good measure? What is it telling the young LGBTQ runaway who will no longer qualify for services because she doesn't meet the new, narrowed definition of "homeless"? Didn't DC just celebrate a weekend of Pride? Does Pride only count if you have a home?

How did we get here? How did we get to such an ugly place? This proposal is not #modernizing the HSRA; this proposal is #throwing away our lowest income and most vulnerable neighbors. Government officials have defended their recommendations with assurances like "well of course we won't enforce the law that way," or "we don't intend to use that authority," or "we'll be flexible in how we apply that provision." I want desperately to believe that's true, though I confess to growing skeptical. But even if it were true, legislation ought not be crafted based on such assurances of good will. Good legislation should presume the worst of intentions, not the best, and it should protect against whatever litany of horrors the *next* person in office might dare to undertake.

When first adopted, the HSRA struck a balance between the interests and rights of DC residents experiencing homelessness and the interest of local government in running a continuum of programs that was manageable in terms of size and cost. This balance was hard-won. The HSRA eliminated certain stringent eligibility restrictions as well as arbitrary time limitations that had been a part of DC's pre-HSRA shelter framework. Eligibility restrictions and arbitrary time limits. Sound familiar? The proposal before the Council today does not modernize the HSRA. It is, in part, a throwback to an approach that had already been determined to be outdated fourteen years ago. Our testimony in 2003 could be our testimony today:

There is a severe shortage of affordable housing in Washington, [but] until this crisis is addressed, families and individuals need latitude in the length of time it takes them to find permanent affordable housing....[T]he shelters are overcrowded. But pushing people out before they are ready and preventing folks from coming in when they are in need is not the answer. The only answer is bolstering the social safety net to prevent people from slipping through the cracks and into homelessness to begin with, and creating affordable housing opportunities on the other end of the continuum.

Thankfully, the Council saw the wisdom of leaving such punitive practices where they belong...in the past. We hope it will do so once again.

In a recent blog post about the HSRA Amendments, local officials cautioned “Let us be clear: addressing homelessness is not synonymous with addressing poverty, nor building the inventory of affordable housing needed by our community and communities across the country. These are much longer propositions.” How long is long enough? Is the nearly fourteen years since our 2003 testimony long enough? What about the decades that thousands of DC families have languished on the housing authority wait list? Is that long enough? It could have been, had local officials focused more on helping 100,000 long-time residents climb out of poverty and a little bit less on attracting 100,000 new residents to DC.

The Administration shouldn't get a pass on this. I agree: solving poverty and the affordable housing crisis can't rest solely in the lap of DC's Human Services agency. But the Administration shouldn't get to have one agency say “we're about shelter, and housing is a longer term issue,” and then not do more through the appropriate agencies to adequately address the housing crisis. It shouldn't get to cut development deals that will lead to the displacement – and potentially homelessness – of even more low-income residents; it shouldn't get to underfund housing vouchers, or turn a blind eye to developers renegeing on their affordable housing commitments...without owning the consequences of those actions on the homelessness crisis. I know that's bigger than what is before the Committee today, but I think we do a disservice to the system, and more importantly to the people whom the system serves, if we don't recognize how integrally shelter and the lack of affordable housing are linked and then strive for accountability, excellence and adequately-funded programs at both ends of that continuum. The Interagency Council on Homelessness, created by the original HSRA, was established to do just that. It was intended to bridge the divide between the human services and housing agencies, to take the bird's eye view, and to assure that the government's response to homelessness was not limited to providing shelter.

I've been coming to this Council to testify about homelessness for more than 25 years, and I have to confess that I'm tired. Looking back through my early HSRA files to prepare for this hearing, reading testimony from well over a decade ago that is as on point today as it was when I first delivered it, nearly broke me. But I'm stubborn, and I won't give up; we won't give up...I may be tired, but I know I'm not nearly as tired as a client who has been on the voucher waiting list for more than 25 years, or a young mom who slept with her kids in a stairwell because she can't get into shelter, but who doesn't really sleep at all, so she can be sure her babies stay safe through the night. I'll go home, when they can go home, too.

This is the time for the District of Columbia to step up and be a leader, not in the race to the bottom, but rather in being a welcoming, humane community – as our mayor proclaimed us to be in speaking about sanctuary cities. Now is the time to say, “No, we don't buy into the myths and stereotypes that are driving policy decisions just a couple blocks up Pennsylvania Avenue to our west.” It's the time to say, “No, we aren't going to root our policy decisions in the notion that poverty is a state of mind and that reliance on government support is a character flaw or equates with the desire to get a free ride.” DC was such a leader once, and we can and must be so again. The stakes now are higher than ever before.