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The Washington  
**LEGAL CLINIC**  
for the Homeless

*A Voice for Housing and Justice*

**Testimony before the Committee on Economic Development**

**DMPED Oversight Hearing**

**February 11, 2014**

**By Will Merrifield**

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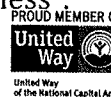
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Good morning and thank you for this opportunity to testify. My name is Will Merrifield and I am a Staff Attorney with the Affordable Housing Initiative at the Washington Legal Clinic for the Homeless. The Legal Clinic envisions – and since 1987 has 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.

Unfortunately, the present reality for many D.C. residents is far different than the vision I just described. Due to the systemic underfunding of truly sustainable affordable housing options for District residents, as well as the reality of market forces in D.C., the District's waitlist for subsidized housing is currently closed and numbers approximately 70,000 people. Furthermore, the City has completely run out of shelter space at D.C. General and claims it can no longer temporarily place homeless families in hotels while traditional shelter space becomes available. Currently, the District is placing families overnight in the gymnasiums of local recreation centers.

Now, there has been some debate recently over who makes up this homeless population. I deal with these families daily and I can tell you that the vast majority are long term District residents. Many heads of these families are working one or two minimum wage jobs while others are disabled individuals or Senior Citizens on fixed incomes. In short, many of the District's homeless are the workers who cook and serve your food every day, clean your offices at night and perform a variety of other tasks that keep this city functioning. Sadly, as if the stigma that is associated with being homeless isn't enough, these same individuals are being further marginalized by District leaders who accuse them of cynically attempting to leach the District's resources and take advantage of being designated as "homeless"



Essentially the City is scapegoating these individuals for its own poor planning and lack of investment in long term affordable housing.

As a community we need to do better than this and must implement solutions to the affordability crisis. Today, I would like to highlight some specific suggestions for the role that DMPED can play in order to achieve that goal.

First, whenever the District Government bids out city owned property for development, it needs to fully leverage these deals to get the maximum amount possible of deeply affordable units from each project. Furthermore, if Developers are given land at below market values in return for producing affordable units, it is crucial the affordability requirements are transparent and are enforced. The WAMU series “Deals for Developers” spotlighted a disturbing trend wherein D.C. failed to enforce affordability requirements in these projects and essentially gave away valuable public land for next to nothing.<sup>1</sup> This practice can be ended by incorporating clawback provisions into these deals to hold developers accountable and force them to both reimburse the subsidies given to them and also pay penalties if they fail to deliver affordable units at the promised levels.

Secondly, there needs to be increased transparency in the New Communities Initiative. Because DC’s affordability crises is so dire, we have to ensure that every local dollar we are putting towards affordable housing is spent efficiently and purposely to produce long term deeply affordable units. The City claims it is committed to one for one replacement of each public housing unit that it plans to demolish through New Communities; however it has not come remotely close to meeting this goal thus far.

For example, the Northwest One master plan was approved in 2006 and to date has only produced 30 of the 280 needed replacement units.<sup>2</sup> If the District cannot get this program to work in one of the strongest real estate markets in the City, it seems unrealistic at best to think that it will work in areas where the market is not as strong such as Wards 7 and 8. However, if the City does think this plan can work it should tell the community exactly how it plans to finance replacement units, what level of affordability the replacement units will be created at and the proposed length of affordability for each and every replacement unit. Lastly, the city should not put off

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<sup>1</sup> WAMU, [Deals for Developers](http://apps.npr.org/deals-for-developers-wamu/). March 20, 2013. Available at <http://apps.npr.org/deals-for-developers-wamu/>

<sup>2</sup> DC Fiscal Policy Institute, [New Thoughts on New Communities](http://www.dcfpi.org/new-thoughts-on-new-communities). January 14, 2014. Available at <http://www.dcfpi.org/new-thoughts-on-new-communities>

needed repairs in public housing sites because they plan to demolish them at some uncertain time in the future.

In closing, to create an adequate supply of affordable housing and dig our way out of the crises that District policies have put us in, the City must start to make affordable housing the number one priority for all future development. It is the Legal Clinic's hope that DMPED will play a vital role in thoughtful planning of future development and a clear preservation strategy moving forward.

Thank you and I would be happy to answer any questions.