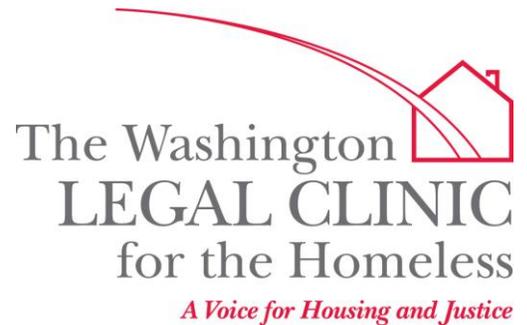


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**Testimony before the DC Council  
Committee on Human Services  
Public Oversight Hearing On**

**“The Creation Of The Homeless Prevention Program”**

**Bill 20-0767, The “Dignity For Homeless Families Amendment Act Of 2014”**

**and**

**Bill 20-795, The “DC General Short-Term Playground Amendment Act Of 2014”**

**Presented by Marta Beresin  
Washington Legal Clinic for the Homeless**

**July 2, 2014**

Good Morning Councilmember Graham and members of the Committee. My name is Marta Beresin and I am a Staff Attorney and policy advocate for the Washington Legal Clinic for the Homeless, where I have worked directly with homeless families for the past 14 years. 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. Thank you for holding this Hearing today. My testimony will focus on the Dignity for Homeless Families Amendment Act of 2014.

On or around January 30<sup>th</sup> of this year, the DC Department of Human Services (“DHS”) made two fundamental changes in their response to family homelessness in DC. Both had significant and negative impacts on homeless children and families seeking emergency shelter. The first was to begin placing families in DC recreation centers separated by, at the most, temporary partitions rather than in apartment-style shelter units or in private rooms at DC General or motels. The second was to require any family so-placed to leave the placement each morning and reapply for shelter each day, to be sheltered again only if the weather was hypothermic and they could prove once more they had no safe place to stay. Not since 1996, when the Washington Post exposed the problems with communal shelter for families in a series of scathing articles, had DC’s policy been to shelter families in public buildings (then, the Reeves Center) rather than apartments or private rooms and to shelter them for only one night at a time.

On February 28<sup>th</sup>, a group of homeless families filed a class action lawsuit against DC alleging that this practice violated the Homeless Services Reform Act’s (“HSRA”) requirement that the DC government shelter families in “apartment-style



units” and, when none are available, in “private rooms.”<sup>1</sup> While the term private room is not defined by the HSRA, both Superior Court and Office of Administrative Hearings judges found that the partitioned spaces in the recreation centers did not meet the definition of what would commonly be understood by the terms “private” and “room.” The Superior Court judge found that the arrangements in the recreation centers posed an intolerable risk of irreparable harm to homeless children and families.

On March 21<sup>st</sup>, Judge Robert Okun ordered class-wide injunctive relief directing DHS to place homeless families in “apartment-style” shelters or “private rooms.” Judge Okun required that the apartments or private rooms meet certain requirements, which are nearly identical to the requirements contained in the Dignity for Homeless Families Amendment Act of 2014: four non-portable walls, a ceiling, and a floor that meet at the edges so as to be continuous and non-interrupted, a door that locks from within, sufficient insulation from sound, and lighting that the occupants can control from within the room. The only additional requirement contained in the Dignity Act is that the private rooms used as shelter for families provide “access to hot shower facilities.”

Having been part of the coalition that drafted the HSRA and having practiced under it for the last nine years, it is my legal opinion that the practice of placing families in partitioned spaces in recreation centers violates the HSRA’s requirement that homeless children and families shall be sheltered in apartments and, when none are available, in private rooms. However, because the DC government is appealing both the preliminary injunction issued in the class action and the administrative case and are claiming that those sections of the law were not meant to be enforceable rights conveyed to homeless families, this bill is necessary to stop DC from creating unsafe placements for homeless families who are already in crisis. We ask you and your colleagues to move forward with this bill expeditiously so that the DC government can spend the next few months planning for sufficient lawful space for families this winter rather than fighting a losing legal battle.

Superior Court Judge Tignor found that families placed in recreation centers were likely to suffer irreparable harm in the absence of a restraining order; that the families “particularly the children, incur increased risk of communicable disease, are denied adequate privacy and physical security, are likely to experience emotional trauma and stress, hence are likely to suffer irreparable harm in the absence of a restraining order.”<sup>2</sup>

One father who became homeless after losing his job last year described the grind that he, his wife, and their two toddlers faced each day: After spending anywhere from 4-6 hours at the family intake site to get a referral for the evening, the family then has to wait until 7pm for transportation to the rec center. The van usually shows up about an hour later, and the family gets to the rec center around 9pm. Once there, parents then have to set up their own beds and partitions which allow little privacy and provide no sound or light barrier. The next morning, they get up when it’s still dark out to report

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<sup>1</sup> Councilmember Wells introduced the “private room” amendment in 2010 after a winter in which DHS had sheltered families in partitioned and unpartitioned spaces in common areas at DC General. The Legal Clinic had threatened a class action lawsuit on behalf of the families at DC General, who were entitled to apartment-style shelter. We were able to withdraw the threat of lawsuit after DHS moved all of the families into unshared rooms or housing, but the Mayor asked this Committee to pass an amendment to the HSRA in order to legalize DC General. That amendment became the private room provision.

<sup>2</sup> Temporary Restraining Order, March 7, 2014, Reid v. District of Columbia, Civil Action 2014 CA 1238 B, Senior Judge Robert S. Tignor.

back to the intake site to repeat the process. The father has noticed that his babies can't sleep well at night in the large gymnasium – it's drafty, crowded, and they can hear the dozens of strangers sleeping nearby behind makeshift partitions. He had a job interview scheduled for 10am one day, but he knows he is supposed to be at the intake site during that time to get a bed referral. He's faced with the impossible decision of which appointment to make.

According to the DC government, the average length of stay for a family placed in a recreation center was three days, but half stayed only one night.<sup>3</sup> While DHS interpreted this as a sign that families had alternative safe arrangements they could make, families who contacted the Legal Clinic reported leaving the recreation centers for unsafe destinations such as building lobbies and family cars because they felt even less safe in the recreation centers.

This past winter, the DC government also for the first time what we believe to be at least 20 years began placing families for only one night, changing a long-standing policy of allowing families, once sheltered, to remain sheltered until they find other safe housing. This means that most families placed in February and March were required to return to the shelter intake center each day to reapply for shelter. They were only placed if it was hypothermic outside and they could prove all over again that they had absolutely no safe place to stay.

The well-being of children requires that families have placement stability; children's well-being is damaged by forcing families to move every day and by the uncertainty of not knowing where they'll sleep at night. Housing instability is one of the strongest predictors of poor academic performance for kids, as well as future poverty and homelessness. When families, particularly ones who have already proven they have no safe place to go, are not allowed to stay in a secure placement continuously, they will stay in unsafe settings on the alternative non-hypothermic nights. Domestic violence survivors are faced with a very difficult choice-- choosing to leave an abuser might mean having to return to the abuser when the temperature rises above freezing, with the added danger of having left the abuser once. In addition, parents cannot seek housing or employment if they are forced to spend every day at the shelter intake center or hustling to find an acquaintance to put them up for the night.

The Dignity Act should be amended to include language that requires DHS to return to the long-standing policy of sheltering homeless families until they find an alternative safe place to stay. We suggest language along the lines of "families placed in shelter shall be placed in facilities they can access 24-hours a day and in which they can receive continuous shelter each night without having to reapply for shelter."

With this additional language, the *Dignity for Homeless Families Amendment Act of 2014* will protect vulnerable children and families from harm, further destabilization, and from the negative impacts on education and physical and emotional health that has concerned every judge before whom the city has defended its recreation center reliance. It also will ensure that families can concentrate on finding employment and housing so they can move out of homelessness quickly, saving the DC government money in the long-term.

I want to thank you Councilmember Graham for spearheading legislation that will ensure that the intent of the Council is carried out: that private room means a private room and that families can

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<sup>3</sup>Brief for Appellant the District of Columbia, p. 10, D.C. v Reid, No. 14-CV-292, June 9, 2014.

move quickly from homelessness to housing because they have continuity in their housing. Throughout your career on the Council you have put the welfare of vulnerable DC residents at the forefront of the Council's daily business. This is no exception. I'm happy to answer any questions.

