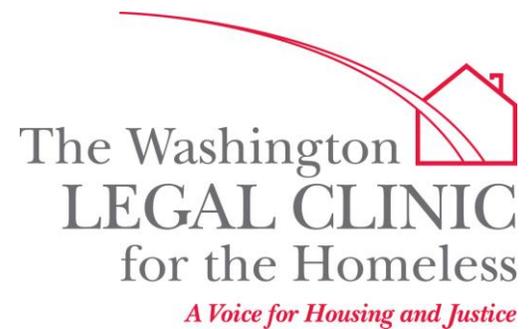


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**Testimony before the DC Council  
Committee of the Whole  
Hearing on “Advancing Year Round Access to Shelter Policy and  
Prevention of Homelessness Amendment Act of 2015”  
Presented by Marta Beresin  
October 13, 2015**

Good morning, Chairman Mendelson and members of the Council. My name is Marta Beresin and I am an attorney and policy advocate for 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. Thank you for the opportunity to share with you this morning some thoughts about this bill.

This is an extraordinary time for homeless services in DC. Among other things, the Mayor has committed to closing DC General and replacing it with smaller, more service-enriched, safer shelters for families. In addition, she has committed to returning to providing year-round shelter access for homeless families who have no safe place to go. In my 15 years of working on affordable housing and homelessness issues in DC, I have never worked with a team more capable of achieving these two goals than Laura Zeilinger, DHS’ director, and Kristy Greenwalt, our ICH director. This bill before the Council is a very small part of that vision, but the Legal Clinic recognizes its importance and, with adequate protections for vulnerable DC children, we would support this bill. . You’ve heard how we believe the private room language should be amended. I’m going to focus on the Interim Eligibility aspects of the bill.

The Interim Eligibility provisions would give the Mayor authority to place families in shelter on a temporary basis while an eligibility determination was being made. The Mayor could then remove families found ineligible using an expedited process. In most cases, the removal will occur when DHS helps the family secure a place to stay with relatives or friends.

Currently, the intake process for homeless families applying for shelter includes a process for determining whether families have safe places to stay with relatives or friends. WLCH has worked with hundreds of families a year who have gone through this process and there are many lessons we can learn from their experiences.

**Lesson #1: Many placements that families have been doubled up in prior to applying for shelter are unsafe for a variety of complicated reasons, not all of which are easily discussed with intake workers.** They’re unsafe due to domestic violence, drug dealing, being dangerously overcrowded, or due to horrible housing conditions. Parents I’ve spoken to have traded sex for a roof over their children’s heads, feared for their children’s safety



because they were staying with people they barely knew, risked their family's safety by staying where an abuser could find them, or stayed with a parent who abused them when they were children and feared that parent might do the same to their children. Some families have moved around so often (sometimes every night) that they have considered giving their child to a relative or friend or to CFSA to care for just so their child can have some stability. These are not easy things for a parent to talk about, particularly when the parent has just met the intake worker. We agree that a 3-12 day process is a more realistic timeframe for determining a family's eligibility when the issue is whether a family can safely reside with relatives or friends.

But the bill right now does not require that an identified diversion be safe. We believe that DHS officials are in agreement with amending the bill to require that diversions do not jeopardize the health or welfare of any family member and that they last at least 14 days.

**Lesson #2: Placing a family with a relative or friend can put the host's tenancy at risk because most DC leases limit the length of time a tenant can have a guest.** This is especially true where the host family resides in public or subsidized housing. We need to make sure that DC isn't inadvertently increasing homelessness with its shelter diversions. The bill should prohibit DC from diverting families from shelter to community placements that put another family's tenancy at imminent risk. I believe that DHS is in agreement with this amendment.

**Lesson #3: Sometimes mistakes are made and families are denied shelter when they do not have a safe place to stay.** Over the years, the Legal Clinic has worked with many families diverted to placements that would have put them at risk of domestic violence or other continued trauma. This is most often the result of miscommunication between an overworked intake worker and a distraught parent. The cushion of more time to make these determinations will certainly cut down on the number of mistakes made, but mistakes will still be made. An adequate notice and appeal system is essential to catching those mistakes. The bill provides for an expedited hearing process, which we support. But it needs some redrafting to ensure that proper notices are given to families, the appeal process is uncomplicated and seamless, and that families can remain in shelter pending the outcome of the two-step hearing process. DHS supports these amendments.

**Lesson #4: Placements with relatives or friends do not typically last long.** On average families live from pillar to post for six months prior to coming into shelter in DC, and placements vary greatly in their duration and stability. The bill says that if a diversion falls through, DHS *may* allow a family back into shelter without returning to FRC. But the bill does not require DHS to do so. And, while year-round access to shelter is the Mayor's goal, it is not currently the reality and is not guaranteed in the future. The Legal Clinic believes that the success of Interim Eligibility hinges on families being able to depend on year-round access to shelter or a right to return to shelter when placements fall through. Only then will families and hosts be willing to take the risk that diversions require. Because the Mayor does not support an expansion of the right to shelter outside of hypothermic nights, the bill should at least ensure families have a right to return to shelter if a diversion falls through. DHS is considering our suggested language to resolve this concern.

Finally, I would be remiss not to stress that while interim eligibility may work to ensure that some families are safely diverted from shelter, only significant increases in our affordable housing stock will prevent families from entering shelter on a wide-scale basis. Such investments, along with improvements to the Rapid Rehousing Program, will also ensure families have places to move to *from* shelter, ensuring the flow necessary to have a true, year-round safety net for families experiencing homeless in the District of Columbia. We look forward to working with the Mayor, DHS and the ICH to not only improve this bill, but also to ensure that such adequate investments and improvements in affordable housing programs are made.