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The Washington
LEGAL CLINIC
for the Homeless

A Voice for Housing and Justice

**DC Council Committee of the Whole
Bill 21-620
Homeward DC Omnibus Approval of
Facilities Plan for Short-Term Housing for Persons
Experiencing Homelessness Act of 2016
Amber W. Harding, March 17, 2016**

Good morning Chairman Mendelson 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.

We support closing DC General and replacing it with smaller, healthier and safer shelters across DC. DC General is not a place that anyone should ever have to live, not even for a short period of time, and DC has for far too long allowed homeless children and their parents to suffer from poor conditions, poor design, and poor services. Affordable housing is the solution to homelessness, but we must always maintain an adequate emergency shelter safety net that is immediately available for those experiencing a housing crisis. When DC Village was closed in the fall of 2008, all of its residents were placed into housing. Still, more families became homeless. And when these families had no other shelter to go to, DC General grew from a seasonal shelter for 35 families to a year-round shelter for 280 families. Given this history, with no clear end to our affordable housing crisis and with hundreds of families currently in hotels, we *cannot* close DC General unless we have replacement shelters ready to go.

With that said, closing DC General is not an end unto itself—the closure will be positive for the affected community only if the replacement shelters are appreciably safer and more supportive environments than the current shelter. There is a tendency to dismiss *any* opposition to this plan or any of its elements as thinly cloaked NIMBYism, but that dismissal does a disservice to the community input process and the plan itself. Instead, both the Administration and the Council should be able to sift through concerns of the community and respond appropriately to any input that is reasonable, supported by evidence or facts, or that involves concerns about the health and safety of the families who will reside in these shelters. Those concerns that are not reasonable or supported by evidence, like the unfounded fear that some neighbors to the proposed sites have expressed about the shelters bringing down property values or increasing crime in the area,



can then be set aside and attention can be focused instead on addressing legitimate concerns.¹

We continue to have questions and concerns about the design of these shelters, and whether they will meet the basic health and safety needs of homeless families. Now that we have both the locations and the cost of the contract, we look forward to seeing the Mayor implement her commitment to maximize private bathrooms in each site. It appears that there is both enough site flexibility and money to go far above the legal minimum. The Ward 3 site, for instance, is currently a vacant lot. When you break out the construction costs of about \$14 million at that site, the per unit operating cost, without utilities, is \$2430 per month. Because the DC Housing Authority considers \$1578 to be a reasonable rent for an efficiency apartment in that neighborhood, there seems to be enough of a financial cushion to allow the developer to ensure greater privacy protections and disability rights compliance for residents.

We have serious health and safety concerns about the Ward 5 site, however. We believe it may be less safe for families than DC General and that siting a shelter in that location will violate environmental justice laws and principles. The Ward 5 site is an industrial zone for good reason—its neighbors are the WMATA bus depot, train tracks, a Waste Management waste transfer station, autobody shops, warehouses, and other industrial facilities. While we do not yet know the full extent of the environmental impact of that site because no assessments have been done, the WMATA bus depot presents a clear threat to the health of homeless families who will reside in that shelter.

The Facility is the largest of WMATA's bus facilities, and contains a large number of "stationary emission sources," including boilers, emergency generators, paint booths, part washer, gasoline dispensing station, and other miscellaneous equipment.² The 150-300 buses that are serviced at the depot are significant sources of "mobile source emissions." Diesel exhaust from buses is one of the greatest sources of toxic air pollutants to the public. Exposure to diesel exhaust can have immediate, short-term health effects and can aggravate chronic respiratory symptoms and increase the frequency or intensity of asthma attacks. Because children's lungs and respiratory systems are still developing, they are also more susceptible than healthy adults to fine particles. Exposure to fine particles is associated with increased frequency of childhood illnesses and can also reduce lung function in children. Prolonged exposure to particulate matter from diesel exhaust can increase the risk of cardiovascular, cardiopulmonary and respiratory disease and lung cancer. Finally, there is evidence suggesting that diesel exhaust is a carcinogen, and that it may be connected to higher rates of autism in children whose mothers were exposed to diesel exhaust during their pregnancy.

¹ See https://www.washingtonpost.com/local/social-issues/dc-residents-fret-over-shelter-plan-citing-crime-and-property-values/2016/02/27/7be82f4c-d978-11e5-925f-1d10062cc82d_story.html; <http://nonprophousing.org/wp-content/uploads/2014/Toolkits/Original%20Toolkit/PropVal-2-26.pdf>; <http://www.bettercommunities.org/propertyvalues.html>; <http://medinamn.us/wp-content/uploads/2014/04/The-Impact-of-Affordable-Housing-on-Communities-MHFA.pdf>.

² Combined these WMATA sources of air pollutants are estimated by DC to emit more than 150 tons per year, including significant amounts of criteria pollutants up to 67.01 tons per year of Sulfur Dioxide (SO₂); 49.92 tons per year of Oxides of Nitrogen (NO_x); 14.51 tons per year of Particulate Matter (PM/PM₁₀); 6.97 tons per year of Volatile Organic Compounds (VOCs); and 18.76 tons per year of Carbon Monoxide (CO).

To ensure that the principles of environmental justice are met by this replacement shelter plan and that homeless families will not be put in harm's way, DC should, pursuant to the DC Environmental Policy Act, do an Environmental Impact Statement prior to proceeding with the Ward 5 shelter site. The statement must include:

1. Alternative locations and the adverse and beneficial effects of the alternatives;
2. The adverse environmental impacts that cannot be avoided if the proposed action is implemented; and
3. Mitigation measures to minimize any adverse environmental impact.

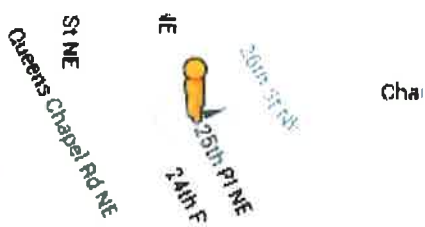
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