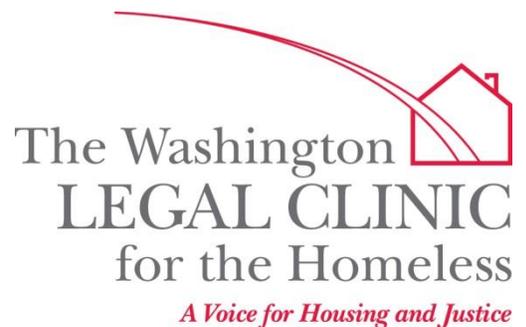


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DC Council Committee on Health and Human Services Oversight Hearing on the DC Department of Human Services Amber W. Harding February 25, 2016

Good morning Councilmember Alexander and members of the Health and Human Services Committee. 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.

I would like to focus my testimony on homeless services, in particular a comparison between 2015 and prior years.

Legal Compliance with the Right to Shelter

In 2014, we represented 52 families who had been unlawfully denied shelter on a hypothermic night. When the city ran out of contracted shelter capacity, it began to place families in recreation centers in violation of the law. Homeless families then filed a class action, *Reid v. DC*, against the Gray Administration, in which they won a permanent injunction barring such unlawful placements.

In 2015, we represented 32 families who had been unlawfully denied shelter on a hypothermic night, nearly all of whom were denied in the first 3 months of 2015.¹ This is a nearly 40% reduction in unlawful denials. The Bowser Administration has complied with the *Reid* order to the best of our knowledge, placing all eligible families in lawful environments. In 2015, the Administration also went above the legal floor to protect the lives of people experiencing homelessness. After years of people raising concerns about the risk of hypothermia on rainy days, DHS agreed to call hypothermia alerts when the overnight temperature falls below 40 and there is a significant chance of precipitation. They also agreed to direct shelter providers to let people wait inside to get into shelter during inclement weather. This is a policy shift that will literally save lives and limbs.

Year Round Shelter Access for Families with No Safe Place to Go

Under the Gray Administration, we worked with hundreds of families who were turned away from shelter despite having nowhere safe to go. For four years, attorneys in our office spoke to desperate families staying in abandoned buildings,

¹ This may in part be due to the unusually warm first half of the 2015-2016 winter season.

with abusers, in cars or in other dangerous settings. We would plead their case to DHS, to Councilmembers, to whomever would listen, with nearly zero chance of DHS agreeing to shelter the family when they weren't required to by law.

In 2015, for the first time in four years, DHS began to provide shelter to families that had no safe place to go, even when it wasn't freezing outside. They went above the floor of the law to serve the most vulnerable families. While the agency hasn't placed 100% of the families in need on the first night they present with no safe place to go, it has taken significant steps to return to a more humane approach to meeting the urgent needs of parents and children experiencing homelessness, regardless of the temperature outside.

Family Intake Protocols

In 2014, the Administration refused to admit there was a problem with how the centralized family intake center processed shelter applications. They therefore took no meaningful steps to fix the policies and practices that were resulting in unlawful denials of shelter and very poor customer service, and didn't seem to agree that it might be helpful to intake workers to have written protocols guiding them in assessing eligibility for a public benefit like emergency shelter.

In 2015, DHS admitted there was a problem, and began the process of fixing the way the Virginia Williams Family Resource Center works with homeless families. First and foremost, they tasked a working group with drafting protocols on how to comply with the legal requirements for determining if a family is in fact eligible for shelter and should be placed. These protocols are nearly final now, and will hopefully be rolled out soon. There are still serious concerns with the way some intake workers treat homeless families, but at least now we have an agency that is more receptive to hearing those concerns and working on improving services.

Conclusion

Of course there are still significant concerns with our clients' experiences in emergency shelters, including the physical conditions of the buildings, the quality of social services provided, and the legal compliance of some programs with the HSRA and federal disability rights laws. While we may not always agree with this agency's approach or the conclusion that they come to—the necessity of private bathrooms in the DC General replacement sites being an obvious example—for the first time in many years we can say that the agency is making a strong effort to comply with their mission as well as both the letter and the spirit of the law, and we are cautiously optimistic about the path forward for homeless services.