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**Testimony before DC Council Committee  
on Health and Human Services  
Oversight Hearing for DMHHS  
Testimony of Ann Marie Staudenmaier  
Washington Legal Clinic for the  
Homeless  
February 23, 2016**

The Washington  
**LEGAL CLINIC**  
for the Homeless

*A Voice for Housing and Justice*



Thank you for this opportunity to testify today. My name is Ann Marie Staudenmaier, and I am a staff attorney at Washington Legal Clinic for the Homeless. The Legal Clinic envisions and has for 27 years worked towards a just and inclusive community for all residents of the District of Columbia, where housing is a human right and where everyone has equal access to the resources they need to thrive. My testimony today will concern the role the DMHHS has played in the dismantling and destruction of homeless encampments in D.C., and the displacement of persons experiencing homelessness who stay at those encampments.

By way of background, D.C. has had a Protocol in place for the past 10 years which governs how the city deals with personal property that is left on public space, called "The Protocol for Disposition of Property Found on Public Space and Outreach to Displaced Persons". The most recent version of this Protocol was signed off on by the heads of 13 different city agencies in May, 2012, but without any input from homeless providers or the local ICH. It is currently administered by the DMHHS, as described in their answers to the oversight hearing questions.

The Protocol was originally created to establish procedures for disposition and protection of personal property discovered during government clean ups of public spaces. The protections mandated by the current Protocol include: 1) requiring that warning signs be posted at least 14 days prior to any clean up activity, 2) that outreach be conducted by DHS, DBH and other agencies, and 3) that "items deemed to be of obvious value" be kept and stored by



the government for at least 30 days. However, rather than using the Protocol for its original purpose, as a tool to protect the personal belongings of persons who are forced by circumstances to live outside, DMHHS has chosen to use it as a weapon to clear any signs of street homelessness out of the public eye.

The original Protocol was drafted in response to a lawsuit against the city for throwing away all the belongings of a group of homeless persons staying under a Georgetown bridge, and involved close collaboration between DC government officials and advocates, including myself. Unfortunately, several of the protections in the original Protocol were removed under the Gray Administration, and even those protections are not being followed by the current administration. Implementation of the Protocol used to be overseen by the Mayor's Office of Neighborhood Engagement, but during the Gray Administration, this role was transferred to DMHHS. Until the current Deputy Mayor took over, the city always suspended encampment "clean ups" during hypothermia season, as authorized by the Protocol. However, DM Donald began last year to schedule regular, twice-weekly clean ups of all areas of the city where homeless persons either stay or store their belongings, and has steadfastly refused to suspend these clean ups during the Winter months, which is endangering the lives of the persons whose tents and other life-saving articles are being thrown away by the city on a weekly basis.

Our primary concern, which we have raised with the DMHHS on several occasions, is that the city isn't following the requirements of the Protocol which requires it to hold for at least 30 days following an encampment clean up "items deemed to be of obvious value." (Sec. 5(C)). Unlike the rest of us, the more than 500 people in D.C. who are literally living on the streets don't have anywhere they can safely keep important and irreplaceable belongings, such as ID, medicine, and photographs, as well as life-saving articles such as tents, blankets and clothing. Instead, they must carry all of those things with them, and often have no choice but to leave them unattended for short periods of time in order to

use the bathroom, get a meal, or take care of other business. Yet DMHHS acknowledged in its answers to our Oversight questions (Q30) that it has been conducting these clean ups twice a week for the past year, but ***has only stored personal items on 2 occasions***, meaning that the city discarded and/or destroyed the belongings of potentially hundreds of persons experiencing homelessness just in the past year alone.

The city's practices with regard to dismantling homeless encampments not only violate the Constitutional rights of persons whose belongings have been seized and destroyed, but also run directly counter to the clear admonitions of several federal agencies, including HUD, DOJ, and the USICH. The USICH issued strong recommendations for cities dealing with this issue in a report entitled "Ending Homelessness for People Living in Encampments" in August 2015, which cautions that **"forced dispersal of people from encampment settings is not an appropriate solution or strategy"**, and recommends intensive outreach and *low barrier* pathways to permanent housing. Both HUD and DOJ have come out strongly in the past 6 months against cities criminalizing homelessness, which is exactly what DMHHS is doing by issuing "tickets" to persons in encampments alleging violations of DC's temporary abode regulations. USDOJ, in a Brief filed last Summer, condemned such practices, saying "prosecuting individuals for something as innocent as sleeping, when they have no safe legal place to go, violates their Constitutional rights and...does nothing to break the cycle of poverty or prevent homelessness..." Finally, HUD added points to this year's SuperNOFA for cities which adopt *anti-criminalization* efforts. Not only does DMHHS have no legal authority to prosecute an alleged violation of public space laws, but by attempting to criminalize life-sustaining behavior such as sleeping, it is blatantly disregarding the strong guidance of the federal government, and risking legal liability for the city and loss of some of the city's indispensable HUD funding.

DMHHS claims that it is in the process of revising the current Protocol, yet has thus far disregarded every suggested revision made by advocates over the past 6 months, despite the fact that those revisions would make the Protocol not only more humane, but would enable the city avoid legal liability, and bring D.C.'s policies in line with federal guidelines. It is extremely important that the local ICH, as well as other stakeholders, be involved in drafting revisions to the Protocol, rather than leaving the sole responsibility for this in the hands of a few people in the Deputy Mayor's office who have evinced a clear bias in favor of clearing all homeless encampments without regard for the civil rights and personal possessions of the residents. Finally, we reiterate our request that the DMHHS immediately suspend all encampment clearing activity, until all Protocol revisions are finalized, after input from key stakeholders.

Thank you again for this opportunity to testify. I welcome any questions you might have.