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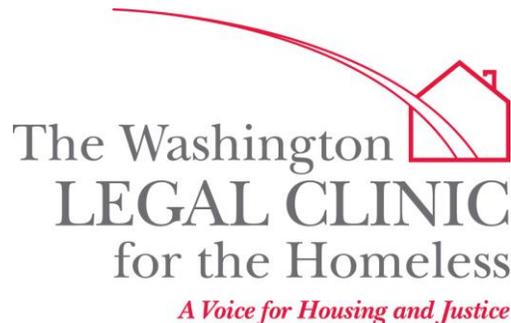
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Testimony before the DC Council Committee on Housing and Community Development Oversight Hearing on the DC Housing Authority Presented by Max Tipping February 24, 2016

Good afternoon Councilmember Bonds and members of the Housing and Community Development Committee. My name is Max Tipping and I am an Equal Justice Works fellow 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. My testimony today will focus on how families in the rapid re-housing program are needlessly and irrationally barred from the District’s long-term housing voucher programs.

Currently, most homeless families in the District exit shelter via the rapid re-housing program. The program is designed to provide a temporary rental subsidy of 12 months or less as well as case management services to help families overcome obstacles to stable housing. Many families in rapid re-housing are on the DC Housing Authority’s (DCHA) waitlist for a permanent housing voucher. There is \$5 million in the FY16 budget appropriated for the Local Rent Supplement Program (LRSP) tenant voucher program that should serve approximately 333 homeless families on the waitlist.

In order to qualify for these vouchers households must meet the “homeless family” preference found in DCHA’s regulations at 14 DCMR § 7605.1. DCHA’s position is that participants in the District’s rapid re-housing program do not meet the definition of a homeless family, and will not receive a voucher if their name reaches the top of the waiting list. This position is not supported by DC law, required by federal law, nor is it good public policy.

DC law is clear that rapid re-housing families should qualify for the homeless preference. DCHA’s regulations list several situations that can qualify a household for the “homeless family” local preference, including that the family is participating in a transitional housing program. Many transitional housing programs in the District are “scattered site,” with participants living in a privately rented unit and receiving a temporary subsidy and case



management services. Some programs are structured so that the participant has a lease in their name. Rapid re-housing participants likewise privately rent a unit and receive a temporary subsidy and case management services. Accordingly, the District's rapid re-housing program is not distinguishable in any legally relevant way from other transitional housing programs for families in DC. The only difference – and one that argues in favor of counting rapid re-housing households as homeless – is that the subsidy period for rapid re-housing is designed to be shorter term (12 months or less) than in other transitional housing programs (usually 12-24 months).

The regulations for the rapid re-housing program are consistent with this interpretation. Under 78 DCMR § 7803.2(h), a family that otherwise might not qualify for rapid re-housing may be appropriate for the program on the basis that they will soon reach the top of the DCHA waitlist and therefore will be able to achieve long-term housing stability with only short-term rental assistance. It would be a bizarre result for these households to lose their homeless preference by participating in rapid re-housing, a program which they only qualified for because they were nearing the top of the DCHA waitlist.

Furthermore, federal law does not prohibit jurisdictions from giving rapid re-housing participants a homeless preference. In fact, the guidance from HUD on this issue encourages housing authorities to be flexible in defining waitlist preferences, and allows for a homeless preference that is different from the federal definition of homelessness.

Allowing rapid re-housing households to qualify for the homeless preference is also good public policy. I understand that some families in rapid re-housing will be transitioned to LRSP under DC's new Targeted Affordable Housing (TAH) program. But there is no reason why DCHA should not also assist families in rapid re-housing who rise to the top of the waitlist. Many such families have been waiting up to ten years for a voucher. They should not be penalized for taking the risk of exiting shelter with a temporary rental subsidy. The current policy only serves to discourage families near the top of the DCHA waitlist from accepting rapid re-housing, causing longer shelter stays and negative impacts on families as well as the shelter system as a whole.

Finally, if for some reason DCHA does not feel comfortable including rapid re-housing in its definition of transitional housing, or if they believe that federal law prevents them considering rapid re-housing families as homeless, this is still an easily solved problem. Since the only vouchers coming online this year are LRSP vouchers, which are locally funded and not subject to federal regulations, this glaring policy contradiction could be fixed with one line of new language in the LRSP regulations. I understand that DCHA is currently on the verge of proposing several changes to its regulations, and I would be happy to help draft the language that could resolve this problem.

As you know, the District has embarked on a 5-year plan to make homelessness "rare, brief, and non-recurring." Unfortunately, that goal is being undermined by a policy that is misguided, unnecessary, and counter-productive. Thankfully, this can be resolved with

nothing more than a re-interpretation of the DCHA regulations, or at most a minor modification to those regulations. I would ask that the Council encourage the development of a more logical policy on this issue so that families are not forced to decide between staying in shelter until their name gets to top the waitlist or taking the risk of accepting a short-term housing subsidy.

On a final note, while there is funding to provide 333 families on the waitlist with these LRSP vouchers, as of the end of January only 49 families had been found eligible for a voucher and only 28 had actually moved in. For being one-third of the way through this fiscal year these utilization rates are disturbingly low. These funds serve a critical need in the community, and I would ask the Council to ensure that these vouchers are put into circulation with the urgency required for such a vital program.

Thank you for the opportunity to testify today.