

**Hearing before the Committee on Human Services on the
“Homeless Services Reform Amendment Act of 2010”
Testimony of Marta Beresin
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Good afternoon Councilmember Wells and members of the Committee on Human Services. My name is Marta Beresin and I am an attorney at the Washington Legal Clinic for the Homeless. First let me say thank you Councilmember Wells for withdrawing this bill from consideration as emergency legislation and offering the community this important opportunity to give input about the impact of this bill on DC residents. My testimony will focus on the Bill's proposed repeal of the long-standing prohibition on spending District dollars to shelter families in communal-style shelters. We oppose this aspect of the Bill because there is no sound policy basis for such a repeal and because doing so will remove important standards that currently guide the placement of families in emergency shelter.

BACKGROUND:

For years, District law has prohibited sheltering families communally because of the lack of privacy as well as the dangers and health concerns posed to children when they are forced to live in adult, barrack-style shelters. Imagine being a young child and losing your home, your neighborhood friends, perhaps your school community and then moving to a new “home” that is completely devoid of any private space for you and your family to read together, do homework together, play, or eat together. But even more disconcerting than this is the increased health risks from communicable illnesses and increased risk of abuse that exists in such settings. Accordingly, in 2005 this Council reaffirmed its belief that families should not be sheltered communally when it passed the HSRA. In 2005, DC Village existed as a communal-style family shelter and yet, the Council agreed unanimously that it should not “legalize reality” by sanctioning communal shelter for families. Rather, it was felt the District should work towards housing homeless families in apartment-style shelters or scattered-site transitional or PSH units. To that end, the city closed DC Village and replaced it with over 100 scattered site transitional housing units.

THERE IS NO SOUND POLICY BASIS FOR THE REPEAL OF THE STANDARD:

No new social science points to a basis for now repealing the prohibition on sheltering families communally. In fact, we know now even more than in 2005 about the devastating effects of communal shelters on children. The fact that DC General exists and will need to be utilized this winter is not a sufficient basis for legalizing such settings for families, especially with absolutely no limits on the number or types of families that can be sheltered together or on the number of such facilities the District can open. The failure to meet the standard is not a sufficient justification for repealing the standard. If it were, the response to an outbreak of salmonella in packaged spinach, for example, would prompt a call for repeal of food and drug regulations. Instead, most people agree that such outbreaks should prompt us to reconsider whether our enforcement efforts are adequate.

THE STANDARD IS NEEDED TO PROTECT CHILDREN AND OTHER VULNERABLE FAMILY MEMBERS:

The effects of this bill will be to allow the District unfettered discretion to double, triple and quadruple up families this winter. Even though it is not being complied with to the letter, the existence of the prohibition on sheltering families communally has had important practical benefits

for homeless families. Last winter, the prohibition gave vulnerable¹ and doubled-up families an important tool to fight for the safety and protection of their children. At the height of hypothermia season last year, as many as 18 families were placed in one room together at DC General, without regard to gender, age, mental or physical health disabilities, or domestic violence factors. Mothers were afraid to go to sleep at night and children were up until past midnight because of the chaos that accompanies this type of setting. Beginning in March, DHS made a commitment to stop the overcrowding at that time, and to avoid this type of situation from recurring, and they did so because of the very prohibition that this Council is considering repeal of. Because of the prohibition in current law, DHS has committed, in conversations around the Winter Plan, that they will not place unrelated families together at DC General this year. But repeal of the apartment-style requirement will significantly reduce the incentive the government has to place families in safe and humane settings this winter.

CONCLUSION AND RECOMMENDATIONS:

I believe that the design of our shelter and housing system for families is an important issue that deserves your attention. But before removing the right to apartment-style shelter during the winter for District families, the Council should engage in a thorough and thoughtful investigation into appropriate standards for sheltering families. An approach that simply legalizes what is because it is – is very short-sighted. Your concerns about DC General being out of compliance with HSRA standards for sheltering families are well-placed. But the solution should focus on developing a long-term plan to shelter all families in units that comply with these important standards and meet basic health and safety laws. We stand ready to work with DHS and with you towards that goal.

¹ Communal shelters can be lethal for persons with immune-compromised disorders such as HIV/AIDS or lupus and for victims of domestic violence, who make up approximately 50% of our general shelter population. Such victims are at far greater risk of their abuser locating them in a large, communal facility than in a scattered-site or even site-based apartment-style program. Both such families would be put in the untenable position of choosing between the streets or an unsafe shelter setting for their family if they were unable to assert a right to non-communal style shelter this winter.