

**Testimony before the Committee on Government Operations
Performance Oversight Hearing – Department of Government Services
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Testimony of Julie M. Broas

Good morning, Chairman McDuffie and other members of the Committee. My name is Julie Broas and I am a Staff Attorney at the Washington Legal Clinic for the Homeless. The Legal Clinic is a not-for-profit legal services and advocacy organization dedicated to supporting those District residents who are homeless or nearly homeless. My work focuses in large part on monitoring and improving the D.C. government's implementation of the Homeless Services Reform Act (HSRA), including its administration of the emergency shelter system. I will be testifying today regarding the significant problems that our clients continue to report with respect to emergency shelters located in DC-owned buildings, which are maintained by the Department of General Services (DGS).

The HSRA provides that all DC shelter providers within the Continuum of Care must “[m]aintain safe, clean, and sanitary facilities that meet all applicable District health, sanitation, fire, building, and zoning codes.” D.C. Code § 4-754.21(2). It further provides that each shelter have “properly functioning heating and cooling systems” (D.C. Code § 4-754.22(5)) and “hot shower facilities.” D.C. Code § 4-754.23(2). Notwithstanding these clear and unambiguous standards, the Legal Clinic routinely receives complaints of legal violations that threaten the health and safety of shelter residents; moreover, even after the complaints have been brought to the attention of DGS, it is often months before the issues have been addressed and fully resolved.

The Committee may be aware of the Legal Clinic's recently released report on the various legal violations we have identified with respect to the provision of homeless services during the first half of the 2012-2013 winter season. The report addresses, among many other issues, health and building code violations at DC General, the sole emergency winter family shelter in DC, which now houses over 280 families including about 600 children. Many of the identified complaints concern inadequate heat and hot water, which the District has struggled to address throughout the winter season. Some of our clients reported going without adequate heat for as long as three weeks in DC General, and one family told of having to bundle her baby into a snowsuit at night to keep the baby warm.¹

¹ In the late winter and spring of 2011, Legal Clinic clients at DC General likewise reported that heat and hot water were unavailable for significant periods at a time. Other significant complaints included reports that communal bathrooms and other common surfaces were frequently covered with mold and mildew and that the fire alarm systems were malfunctioning.

Equally troubling are the frequent elevator outages at DC General, which present potentially serious hazards to the many resident families with serious disabilities, high risk pregnancies and babies in strollers. The report also summarizes families' complaints that the building is infested with mice, bed bugs, and water bugs and one family reported a newborn baby being bitten by spiders. By any measure, these conditions fail to meet even the minimal standards established by the HSRA and other DC laws.

Unfortunately, these complaints simply are business as usual for DC shelter residents.

A review of the Legal Clinic's data from 2012 reveals that our clients raised similarly egregious complaints of code violations and unsafe, unsanitary and, indeed, inhumane conditions at nearly all of the shelters. Throughout the first half of 2012, residents of the Open Door shelter located next to CCNV at 2nd and E Streets, NW, complained time and again about air conditioning issues, as well as about cracked tiles in the bathrooms, rodent infestations, and numerous plumbing issues – including one faucet that, despite running continuously at full power, was not abated for months.² Repeated plumbing and infrastructure complaints have also been raised from clients residing at the John L. Young shelter on the same city block – including reports beginning as early as 2010 of multiple out-of-order toilets and accessible showers, ceiling leaks, cracks in bathroom tiles, broken sinks and damaged doors that took months and the dogged advocacy of a Legal Clinic volunteer to get addressed and resolved. Residents of the Harriet Tubman shelter similarly reported frequent outages of heat and hot water. And CCNV residents complained regularly of plumbing issues, broken sinks, non-working toilets, pest infestations and inadequate and untimely resolution of these continuing problems.

This picture would be incomplete if I did not additionally note the unnecessary levels of bureaucracy that complaints about conditions must navigate, not to mention the problems that result from this bureaucracy. A resident or advocate first tells the provider about an issue, who must then alert The Community Partnership or the Department of Human Services, who then finally tells DGS. Concerns are often miscommunicated, residents are often never advised of the resolution, if any, and work is not accurately prioritized. How else can you explain the fact that elevators at DC General are so often out and that DGS never seemed to understand that the heat issue was not just a common area problem, but that it was in fact was affecting individual rooms at DC General?

² The air conditioning system at Open Door was also malfunctioning throughout the blistering summer of 2011, to the point that the thermostat regularly read in the mid-90's at night and as high as 98 degrees on at least one occasion.

We are all aware that the buildings that house DC's shelters are aged and that most were not built to house the significant numbers of families and individuals that now call them home. But isn't "home" the operative concept here? These buildings are where our neighbors – men and women, mothers, fathers and, perhaps above all, children – wake up each morning and return to each night. They are where families reengage, toddlers play, and schoolchildren do their homework. The Legal Clinic applauds Chairman McDuffie's efforts already in his short tenure to investigate conditions issues at DC General family shelter. But this effort must only be the beginning. The challenges of an aging infrastructure cannot obviate the obligation of the Department of General Services to ensure that these spaces meet the standards set forth in the law.

The Legal Clinic recommends that this Committee act now to address these issues by doing the following:

- Require that DGS conduct formal and regular inspections of the physical plant and conditions at all DC-owned buildings operated as emergency shelters.
- Require that each such inspection result, within two (2) days, in the issuance of a report identifying any violations or conditions issues, the necessary repairs or corrective actions, a timetable for completion, and, in coordination with the Department of Human Services, the interim accommodations that will be afforded to shelter residents pending completion of said repairs or corrective actions.
- Require DGS to identify a specific point person for shelter condition complaints, develop a complaint line for shelter residents to report maintenance or code violations, prominently post the DGS complaint number at each shelter, and manage a tracking system for residents to check in on the progress of resolving such complaints.
- Encourage DGS to participate more actively in the Interagency Council on Homelessness (ICH), particularly its Operations and Logistics committee, where many of the physical facility concerns are raised, and encourage DGS to respond directly when shelter residents raise conditions issues at ICH meetings.
- Require that the Department of Human Services and its contractors report all complaints related to the physical plant of or conditions at any shelter in a D.C.-owned building to DGS within twenty-four (24) hours of the complaint, but that any power outage or heating/cooling system failure be reported within one (1) hour of receipt.

- Require that DGS establish a procedure for the contemporaneous publishing of all shelter-related complaints (perhaps a website), with a proposed timeline for repairs, and daily status updates.

Thank you again for the opportunity to speak with you about these issues today, and for your continued commitment to address and improve the conditions within our shelter system.