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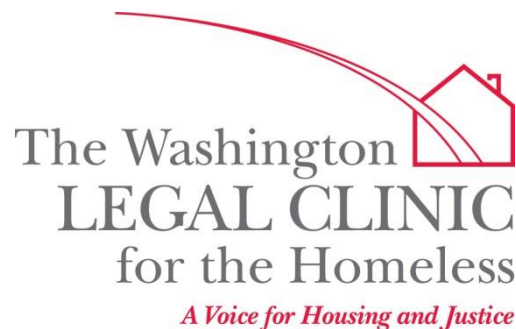
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Testimony before the Committee on Housing and Neighborhood Revitalization
Bill 22-0809, “Eviction with Dignity Act of 2018”

Amber W. Harding
September 24, 2018

Good morning Councilmember Bonds and members of the Committee. My name is Amber Harding and I am 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.

There is no eviction with dignity. There is no eviction without trauma and harm. We can, and we must, do everything we can first to reduce evictions, and then to reduce the trauma and harm that come with any remaining evictions. Since DC is not even treading water on our affordable housing crisis, losing more than it produces every year, since DC underfunds eviction prevention funds every year, since there are not enough free lawyers for all the tenants in eviction court—evictions will continue at high rates and high human cost. Since DC hasn’t done enough to stop evictions, you must at the very least do everything you can to reduce the pain of eviction.

So much of our work deals with the aftermath of eviction—the loss of all worldly possessions (including original documents and objects and photographs that are all that remained as reminders of loved ones), the loss of safety and security, the loss of a place where the family and friends can gather and be, and the addition of an eviction record that marks the person as someone for future landlords to be wary of.

The Evicted exhibit at the National Building Museum depicts DC as “tenant friendly,” but not “low-income tenant friendly.” This distinction rings true. Like our criminal justice system, our eviction system discriminates on class and race. Higher income tenants might violate their lease as much as lower income tenants, but they have the resources to move to another housing unit long before they are evicted, even before they reach court, perhaps even before they get a notice. In DC, our wealth disparity is also a racial disparity. Walk into landlord tenant court any day of the week and try to argue that eviction is blind to race. No—eviction comes for black and brown people in DC almost exclusively.

When the Marshalls instituted changes to eviction procedure that provided a real opportunity for reducing harm but left a gap in our law for how exactly it would work, the Council unanimously passed a strong emergency bill that required landlords to store tenants’

belongings for thirty days. When concerns were raised by landlords and nonprofit housing providers, the Council executed a “repeal and replace” that significantly shifted the burden and cost of eviction right back onto tenants, instead of carving out reasonable exemptions for those landlords who could not actually bear the costs under the new system. But now there is an opportunity to thoughtfully meet the real needs of small or nonprofit landlords while not subsidizing the business of eviction for larger, high profit landlords.

The critical question, it seems, is who should bear the costs of eviction—the tenant, the landlord, or the taxpayer? I stand with my legal services colleagues and support their recommendations to shift some of the burden of eviction off of the people who can least afford to bear it— low-income tenants.

A woman called us in August who had just been evicted under the new law. She had been paying market rent at Wingate until she lost her disability benefits and was sued for nonpayment of rent. She spent the two week period before her eviction packing all of her belongings and throwing away as much as she could. That gave her no time to figure out storage. We began to work with her to restore her benefits but she had boxes of medical documents in her apartment that she needed for her case, and she was worried that she would lose them in the eviction before we could ever file an appeal. She was staying in Union Station and surrounding parks. Because of her health conditions, she was very limited in what she could carry around with her.

She researched storage units and found one that would only charge her about \$55 for the first month of storage, mainly administrative fees. The second month would be about \$150. She called every social service agency and church she could think of for help with the storage fee, to no avail. (Emergency Rental Assistance does not pay for storage.) Next, she called DC Councilmembers. She started with the Chairman and her Ward Councilmember, then at-large members and then others. Each Council office stated either that they were out of constituent services money or that they were not allowed to spend that money on storage—that it could only be used for rent or utilities.

At that point, we gave up. It was taking too long and she only had 7 days to retrieve her belongings. Two legal clinic attorneys and two other non-profit advocates drove to Wingate one day and moved all of her stuff into our cars, drove it to the storage facility and paid for her first month of storage. (I am not recommending that this be the solution for all tenants.) Her benefits came through last week, just in enough time to pay for the second month of storage, and she is actively looking for new housing as we speak.

During the 7 days, here is some of what she experienced:

- 1) Her rights were very unclear, as was the process for enforcing her rights. She was told two different time periods by the Marshalls and by the landlord for removing her belongings. She was very confused about whether the day of eviction counted as the first day or not, and whether weekends were included in the count. (What if the property manager office is closed on weekends?) It was also unclear whether she had one block of time or would be allowed to split up her time over several days.
- 2) It is not practical to limit moving to 8 continuous hours if the hours also have to overlap with the business hours of the property management office. Most of the people she asked for help moving could only do so in the evenings after work. But the property management office closed around 5PM. She found it nearly impossible to find people to help her during business hours.

- 3) She very much felt at the mercy of the landlord that had just evicted her. She said that if she called one of the property managers, she would be rude and mean and probably would put unreasonable restrictions on her move. She felt she had to wait until she could reach the property manager who she had a better relationship with in order to arrange the times to pick up her belongings. When she first arrived at the property, the security guard gave her a hard time and asked if she was “allowed on the property.” She also said she didn’t trust the landlord not to go through her belongings after she was evicted.
- 4) Our client said she “felt like a criminal” during the move out, and the landlord expended significant resources to monitor the move. When we arrived at Wingate, one property manager and two security guards supervised her move, which took several hours. They said she was the first one to go through the new protocol and they were very irritated with how much of their time would now be spent monitoring people moving their belongings.

This was not an eviction with dignity. We can do better. We look forward to working with the Committee and our legal services colleagues to further develop this legislation and the emergency legislation passed this summer to ensure that we are doing everything we can to minimize the harm and trauma of eviction.