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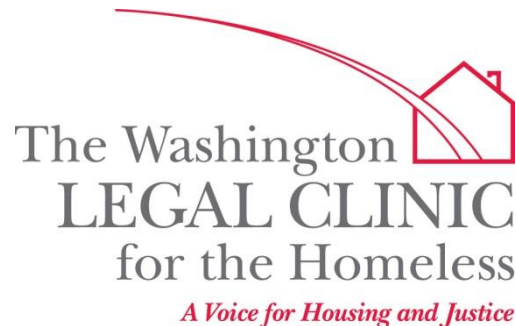
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Testimony before the Committee on Human Services
Public Oversight Roundtable on the Fiscal Year 2019 Winter Plan
Amber W. Harding
October 23, 2018

Good morning Councilmember Nadeau 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.

We have some recommendations to improve services and legal compliance this winter for people experiencing homelessness. As our homeless service system is bifurcated between individuals and families, our recommendations will also be bifurcated.

Individuals

For individuals experiencing homelessness, much effort is made to draw people into emergency shelter and ensure that there is sufficient space to serve anyone who is willing to go into shelter. Generally the system is low barrier, meaning that people can either call the hotline or walk right up to the shelter, and eligibility for shelter is assumed. When admitted to shelter, though, what individuals get is not high quality or service enriched—they get admitted to an overcrowded shelter that may be loud, may be dirty, or may have various insect or rodent infestations.

We recommend the following for individuals this winter:

- There is a gap between when day centers (around 5 or 6PM) are slated to close and when hypothermia alert shelters are slated to open (9PM). We recommend that day centers are kept open later on hypothermic nights so people can be transported directly from the day centers to available shelter space, without having to be outside in freezing temperatures.
- We are pleased that one of the recreation centers is not gender segregated, but the space within remains segregated for sleeping. We recommend that the District continue to explore options where couples can remain together in shelter and where people who are transgender or nonbinary do not have to divulge or identify a gender in order to have a shelter bed.
- We are excited about the downtown services center opening up soon, and the increased access to services that the center will bring. We also need places that are open on the weekend where people can be inside and get food and showers.

- As the Mayor continues to demolish buildings on the DC General campus, we ask that the women staying at Harriet Tubman shelter be allowed to stay inside the building during active deconstruction. Right now they generally wait outside before intake begins. Many of the women staying there are in high risk categories either for respiratory distress or lead poisoning (ie, pregnant women). We should ensure that their exposure to dust and toxins is minimized to the greatest extent possible.

Families

Unlike individuals, when it comes to families the Department of Human Services acts far more as a gatekeeper than it does an agency charged with preventing families from suffering from hypothermia. There is little to no outreach done by the District to families to draw them into shelter on hypothermic nights. Instead, families must overcome a rigorous course of obstacles to enter emergency shelter. During working hours, they must apply through the Virginia Williams Family Resource Center. If the Center is closed, then families can call the hotline, but the hotline worker who immediately sends a van to pick up an individual will do no such thing for a family. Instead, the hotline worker calls an on-call DHS employee, who then calls the family some time later to do an eligibility assessment.

Despite this Administration pushing hard to expedite the passage of the Homeless Services Reform Act amendments last winter, very little has been done to implement the new law that went into effect last February. What that means is that DHS is regularly and consistently violating the law when it comes to determining the eligibility of family shelter applicants. In particular, I would note that they are still requiring domestic violence survivors to demonstrate residency, in clear violation of the mandatory exemption to residency that went into effect in February. We have had several of these cases just in the last few weeks—most notably a family who was fleeing from an out-of-state abuser was denied shelter for not being a DC resident, living without shelter for two weeks with her children before reaching us.

If families do get placed, they get more privacy than individuals, but the conditions may not be much better in one of the hotels on New York Ave. Right now there are 458 families in hotels and only 172 slots for family shelter. In other words, 73% of our family shelter system is made up of hotel rooms. Even when the Ward 8 replacement shelter comes online, DC will only have 222 shelter units available. That means the vast majority of family placements will be into hotels. Not only are the conditions in hotels far worse than in the rest of the family shelter system, but they also have fewer transportation options and reduced access to food. We will also need to watch capacity very closely this winter.

We recommend the following for families this winter:

- We understand that DHS plans to train its workers on the current law and that regulations and new notices are coming soon. In the meantime, we recommend either that staff responsible for making eligibility determinations have a well-trained supervisor sign off on ineligibility decisions or that DHS General Counsel issue directives to implement certain key components of the new law, such as the exemptions for domestic violence survivors and the burden shifting requirement for determining whether someone has safe housing. (We would also note that the intake center is closed for half a day every Friday for trainings. Training intake workers to comply with the law should have been a top priority for those training sessions in the last eight months. We also recommend exploring other times for the intake center to be

closed for trainings. If families cannot access the Center on Fridays, it is a long time before they can see a worker.)

- Recently, the Director of the Interagency Council on Homelessness stated that the purpose of the changes to the residency requirement in the recent legislation was to ensure that the only people found to be DC residents are people who become homeless in the District of Columbia. (This statement was made to a room full of administrative law judges, providers, and legal services lawyers.) The Supreme Court has held that excluding people from another state from seeking public benefits that are reserved for applicants “from” this state is an infringement of the right to travel. If DHS implements the new law consistent with this stated intent, the District will be in violation of the Constitution.
- It has come to our attention that DHS does not provide a notice of ineligibility for emergency shelter when it refers a family to diversion or prevention services, even though the benefit that the family has applied for, and been rejected from, is emergency shelter. This also probably means that DHS is undercounting denials in its reporting. Staff needs to be trained on basic due process and statutory compliance regarding when shelter applicants must receive notices of ineligibility.
- The Administration needs to make sure the new DC General replacement shelters are included in the daily census. The census is the only way the public can monitor how close we are to reaching our capacity in the system. Right now I could not tell you how many families have been placed in the two open shelters.
- We hear regularly from families in hotels that they cannot adequately store and prepare food for their families and that no food is provided even when requested. DHS needs to work harder to adhere to its commitment in the Winter Plan to ensure adequate food access to families in hotels. (“In facilities where meal service is not possible, DHS will work to the maximum extent possible to ensure rooms are equipped with microwaves and refrigerators. Gift cards and/or other forms of financial assistance for food will be provided as needed on a case-by-case basis, and motels will be supplied with non-perishable snacks to help in the case of late night placements and emergency situations. In all cases, information regarding provision of meals and food resources will be discussed with families at the time of placement.”)

Thank you for the opportunity to testify. I am happy to answer questions.