

April 3, 2020

Director Laura Zeilinger
Department of Human Services
64 New York Ave NE, 6th floor
Washington, DC 20002

VIA EMAIL

Dear Director Zeilinger:

We want to thank you for everything that you are doing to keep our mutual clients safe during the public health emergency. We know you are working around the clock to do everything you can do, and we truly appreciate the spirit of transparency and collaboration you and your staff have shown to us during these last few weeks.

We are writing with some questions and thoughts about your plan to transfer families who have been absent from shelter for a certain period of time to the prevention program. While we share your goal of ensuring that DC is using every available space for people who need it, we hope that the plan will contemplate ways to do that without adversely affecting existing shelter placements. We would appreciate a written response to our questions as well as an opportunity to talk through your answers and our recommendations.

Questions:

Here are some of our questions:

- How are you tracking and documenting absences? In the hotels, where exit and entry may not be as well-monitored, is the family considered “absent” if they do not respond to a room check? Do room checks occur every day? Will you be able to document that the absences are consecutive?
- Are residents in hotels regularly checked in with by phone or email as well?
- How many consecutive or cumulative days of absence would trigger a transfer to prevention?
- Our understanding is that DHS employees will be calling families who have been gone for a certain number of days:
 - What happens if the employee cannot reach the family?
 - Can you share the script for these calls?
 - Will families be asked whether their current placement is safe? Will there be an intrafamily violence screening? Will they be asked why they are not in shelter?
 - If the family raises fears or concerns with contracting COVID-19 in a shelter as a reason for absence, will the family be offered a less congregate placement? (For instance, a family with a high risk member who shares a bathroom in a Short Term Family Housing (STFH) site could be offered a hotel room or STFH room with a private bathroom.)
- Please clarify the protocol in the following circumstances:
 - Where no contact can be made with the family;
 - Where the family affirms they have vacated shelter;

- Where the family is not presently in shelter but is not in a safe place;
- Where the family identifies concerns or unmet needs in shelter as the reason for not being there (child care, caring for a relative, fear of contagion, etc.);
- Where the family is not planning to immediately return to shelter, but will in a specified period of time;
- Where the family has no imminent plan to return to shelter but wants to retain their shelter placement.
- Our understanding is that DHS intends to convey to families that they can return to shelter with a much abbreviated eligibility process:
 - Can you share more about how that will be communicated to families?
 - How will this be recorded in the system?
 - What will families have to prove and provide in order to get back into shelter?
- What will happen to the family's belongings if they cannot or do not pick them up?

Suggestions

We are concerned about the implementation of a new practice that could impact the safety of homeless families. Both families in shelter and potential host families are being asked to shelter in place under stressful conditions while supervising their children in distance learning. There has already been a documented rise in intrafamily violence. We must balance the need for maximizing space and capacity with the need to avoid displacing or destabilizing families.

Therefore, our recommendations are that DHS:

- Engage in robust outreach to inquire why people are not in their placements;
- Problem-solve with families who raise concerns about their placement, or identify needed support;
- Offer referrals to prevention for families who voluntarily confirm that they are vacating shelter, and ensure the system reflects their presumptive eligibility if they call the hotline for placement back in shelter;
- Ensure that the system reflects that temporary placements with hosts in other jurisdictions will not negate District residency if the family needs to come back into shelter;
- Use termination or program exit procedures, sparingly and when legally justified, for families that have not voluntarily relinquished their placement after outreach and who have not raised any placement or support concerns.

There are two main reasons why we recommend that DHS not use the transfer process for this purpose. First, if a family disagrees with the decision and appeals, they are without shelter for the duration of the appeal, risking their safety. Terminations and program exits allow families to stay in shelter while they wait for the appeal process to conclude. Second, we do not believe that the Homeless Services Reform Act permits a transfer out of shelter into the community. Transfers must be to secured and equivalent or greater placements in the continuum. A transfer from a location that provides physical space *and* services to a program that only provides services would likely be determined to be a termination by an administrative law judge. In addition, DHS currently has no regulations in place that would help define the scope of “re-determining eligibility” for “an absence of more than 4 consecutive days without good cause,” including what constitutes good cause. See DC Code § 4-753.02(b-1)(1)(B).

Again, we thank you and your team for your tireless work in addressing the needs of those who are homeless during this public health crisis. We look forward to receiving more information and lending our assistance in crafting a policy and protocol that balances the needs of the system with the safety and rights of individual families. Please contact Amber Harding at amber@legalclinic.org for further discussion.

Sincerely,

Bread for the City
Children's Law Center
DC Fiscal Policy Institute
DC KinCare Alliance
Fair Budget Coalition
Legal Aid Society of the District of Columbia
Washington Legal Clinic for the Homeless

CC: Noah Abraham, Family Services Administration
Councilmember Brianne Nadeau, Chair, Committee on Human Services