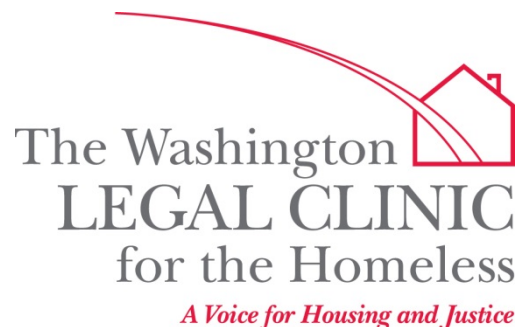


True Reformer Building
1200 U Street, NW
Washington, DC 20009
(202) 328-5500
www.legalclinic.org
@washlegalclinic



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**Testimony before the DC Council Committee on Human Services
Roundtable on Rental Assistance and Eviction Prevention
Amber W. Harding
February 22, 2021**

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.

When it comes to evictions, the District is in the eye of the hurricane, the period of calm before the storm wreaks havoc on our community. We must do everything we can to prepare for the storm’s return, from repairing damage to boarding up windows.

The intensity of the impending eviction storm is one that grows every day. Even when the public health emergency ends, the economic recession will continue to impact renters’ ability to pay. As Peter Tatian from the Urban Institute recently said: “The problem is the rent shortfall is a moving target ... because we have a continuing economic crisis.”¹ It is also hard to accurately measure what resources are available to meet the need, as unemployment payments and federal relief have come in fits and starts.

Nevertheless, we know that, as of November, up to 45,000 District households were estimated to be at risk of eviction if the moratorium were lifted, with a total amount of rent due up to \$119 million through January.² We know that 175,439 District residents have filed for unemployment as of February 17.³ We also know that DC has \$200 million in federal relief funds to spend on rental and utility relief, and hopefully more federal money is forthcoming.

With what we know, DC has enough to strengthen the patchwork of relief into a well-woven safety net that effectively protects our community from a hurricane of evictions. We recommend that the Mayor and the Council:

- 1) Keep the eviction and utility moratoria in place until DC has enough funds to meet current and expected ongoing need to maintain critical utilities and housing.**

¹ https://www.washingtonpost.com/local/arlington-thrive-rental-assistance-mccartney/2021/02/14/428b73c4-6caa-11eb-9ead-673168d5b874_story.html

² <https://app.powerbi.com/view?r=eyJrIjoiNzRhYjg2NzAtMGE1MC00NmNjLTIOTM0YjM2NjFmOTA4ZjMyIiwidCI6Ijc5MGJmNjk2LTE3NDYtNGE4OS1hZjI0LTc4ZGE5Y2RhZGE2MSIsImMiOiN9>

³ <https://does.dc.gov/publication/unemployment-compensation-claims-data>

2) Design a system that is first and foremost about eviction prevention, and secondarily about relief for landlords.

If DC needs to stretch its relief dollars further to prevent more evictions, that should be done even if landlords have to take a loss. For example, the Housing Stabilization grant program paid 80% of rent and landlords were required to forgive the remainder. That kind of program design maximizes funds while minimizing evictions. We also support using 100% of the federal funds for rent and utilities. (The federal guidance allows up to 10% of funds to go to case management services. No case management services will prevent DC residents from getting evicted if there are not sufficient funds for rent relief.)

3) Ensure that programs are low barrier, streamlined for ease of use, and meet their intent.⁴

In the fall, the Council passed emergency legislation that drastically improved and streamlined the Emergency Rental Assistance Program (ERAP), including allowing applicants to self-certify eligibility and expanding the amount of assistance that applicants can receive. Self-certification for assistance for future funds should continue. The emergency legislation also allows DHS to cover more than five to seven months of rent, but the agency has refused to do so. Since tenants will still get evicted if they don't pay every penny owed, the Council needs to make it mandatory for DHS to cover the full back rent to avoid eviction.

4) Develop transparent systems, particularly for tenants.

Tenants must receive notice of any application for or receipt of rent relief funds (including amount), any commitments their landlords made to receive the funds, and how to enforce such commitments.

5) Protect tenants from any consequences for nonpayment of rent if landlords receive relief.

Not only should landlords be unable to evict tenants if they receive relief, but they also must be prohibited from pursuing back rent in other ways, including reporting it to credit agencies as unpaid debt. Additionally, landlords should be prohibited from suing tenants for consistent late payment of rent.

6) Build legal structures, including legislation and contracts, to govern any landlord receipt of funds.

Particularly for any relief based on landlord application for relief funds, the Administration and this Council must ensure that there are strong enforcement provisions for any landlord agreements, including Office of Attorney General enforcement, tenant claims, and clawback provisions. The Council should develop legislation governing the administration of federal relief funds so that the public has tools to ensure good governance. (We have local models for this such as the Homeless Services Reform Act which established a legal structure for programs funded with federal funds if those funds pass through the Department of Human Services or its designee.)

⁴ Keep in mind that high barrier safety net programs are often built on racist and classist beliefs about recipients. <https://www.urban.org/urban-wire/poverty-results-structural-barriers-not-personal-choices-safety-net-programs-should-reflect-fact>

7) Use unrestricted federal funds or local money to fill gaps in federal rent and utility relief.

Because the \$200 million in federal relief that DC has just received may not be enough money⁵ and may not cover everyone who needs relief,⁶ DC should use unrestricted federal dollars and local money to fill in any gaps. Each day, the rent and utility burdens grow. Even if arrears are paid to the current date, tenants will undoubtedly still need some relief to maintain their housing and avoid immediate homelessness or eviction.

Thank you for the opportunity to share some thoughts about rent and utility relief. We particularly appreciate your efforts to gather input from tenants and tenant advocates, as those groups are severely underrepresented on the Mayor's "Saving DC's Rental Housing Market Strike Force."

⁵ If the estimate for just rent owed is \$119 million through January, it stands to reason that by next October the full need for rent and utility relief will far outstrip \$200 million.

⁶ For example, the program requires some documentation that some tenants may struggle with. It does not cover phone or internet services. It does not cover any debts from months prior to the public health emergency and will not cover any debts after September 30, 2021.