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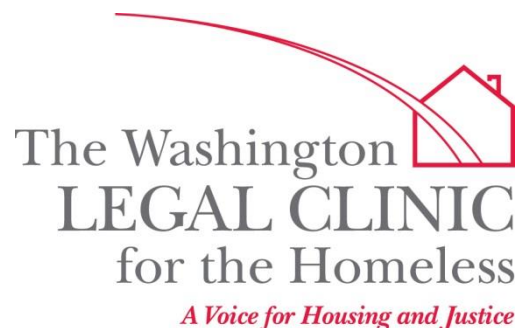
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**Testimony before the DC Council Committee on Government
Operations and Facilities (DGS)
Elizabeth Beltran
March 3, 2021**

I am a Fellow at the Washington Legal Clinic for the Homeless and a Ward 1 resident. 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. This written testimony will focus on the District’s current efforts to renovate or redevelop its shelters for people experiencing homelessness.

I. 801 East Men’s Shelter

A. Foreseeable Environmental Hazards

While we are truly elated that the residents and staff at the 801 East Men’s shelter will one day be living and working in much needed, new facilities, and applaud the District’s efforts in prioritizing this project, this year’s budget oversight hearings will mark the third, consecutive year of warnings and unanswered questions related to the new site - a former landfill. Our concerns each year have been “the failure to adequately identify and assess the extent and severity of the known contamination at the site, and failure to provide for adequate protective measures and systems during construction and for the useful life of the facility”.¹

Just two weeks ago, a \$2.6 million reprogramming request was granted for, among other things, “the need to remove and replace unsuitable soil.”²

¹ Letter to DGS, DHS, DOEE; John Fehrenbach; Sept. 28, 2020.

² Letter to Chair Phil Mendelson; Jeffrey S. DeWit; Jan. 27, 2021.



Additionally, there is a third modification request currently pending that, if approved, will increase the Not-to-Exceed amount of the project from \$14 million to \$40 million, as well as increase the project budget and lump sum price.³

We wrote letters to DGS, DHS, and DOEE in March of 2019, and in September of 2020, laying out concerns regarding the soil, as well other serious concerns. Although limited environmental sampling was conducted after our 2019 letter, our recent letter was ignored altogether by the Administration. We asked then, and still ask, why in 2018, approximately 55 sampling borings were applied for, but only 7 were completed, with soil from only 6 of the 7 tested? We also ask why, in 2020, approval was sought for approximately 27 borings, but only 10 were completed with soil from only 7 of those 10 tested?⁴

The reprogramming request demonstrates the inadequacy of the initial soil testing. We are happy that the unsuitable soil has been recognized and there are efforts to remove it, but the unsuitable soil would have shown up in the first round of soil testing, had it been done correctly. We want to again warn the Committee that there are other project inadequacies that could lead to a negative impact on health and life expectancy. For example, we found:

“Inadequate measures to prevent intrusion of volatile organic compound (“VOC”) vapors into the interior of the building[s]—A geotechnical study of the site specifically recommends the installation of vapor barriers and other systems to prevent the intrusion of VOC vapors into the interior of the building[s]. However, the Project specifications do not appear to provide for any such protections, with the only vapor intrusion specification being for a water vapor inhibitor to protect the concrete slab, not the building occupants. There has been little or no explanation as to why a [VOC] vapor barrier [not just a water barrier for mold prevention] and other system is not planned for the facility.”⁵

The Environmental Management Plan (attached) states that daily updates will be conducted on soil contamination during excavation. It was recommended in February 2020 that this Committee should require weekly reports on progress. We would like to know if that was done. For a list of the other concerns raised, we direct you to our September 28, 2020 letter mentioned above and included as an attachment. Note that the additional vapor barrier for VOCs was recommended *along with* soil remediation.

B. Holding DGS Accountable

We ask this Committee to require DGS to increase transparency around the 801 East Shelter because the stakes are so high for the residents and staff of the shelter, as well as for people who live and work in the surrounding area.

³ Letter to Chair Phil Mendelson; Mayor Muriel Bowser; Feb. 16, 2021.

⁴ Fehrenbach at 3.

⁵ Fehrenbach at 3.

DC has a pattern of either failing to consider the impact of, or actually exposing shelter residents to environmental toxins. For example, when the District was replacing DC General, its initial Ward 5 site was adjacent to the CSX rail line and a Metro bus depot that had been cited for EPA violations, as well as being within a short distance of a concrete facility, the dump, and multiple industrial facilities that put off environmental toxins. Later, when DC decided to begin demolishing buildings surrounding DC General **while families still resided there**, DGS initially refused to use a high standard for testing and remediation of toxins, like lead and asbestos, even after significant levels of lead were discovered in the soil.

I have personally been to the 801 East Men's shelter to speak with residents there. I have never met anyone who wanted to end up at 801 East. Many residents have experienced significant trauma prior to and after entering shelter. Many residents are elderly or have significant health conditions that will make them more vulnerable to environmental toxins. But regardless of anyone's experience or condition, every District resident deserves to be protected from environmental hazards. When 87% of people experiencing homelessness are Black and when the government is the entity responsible for the construction, this Council and the Administration have an added burden to avoid harm and to avoid increasing the racial health inequities that already exist in DC.

We ask this Committee to ensure DC stop placing environmental burdens on the shoulders of those who are experiencing homelessness.

II. DGS Contracting with Developers

One of the construction partners for the 801 East project also constructed the Ward 6 family shelter, the Aya. A recent \$1.795 million dollar contract increase was approved for the Aya due to design deficiencies (for which there have been at least 14 change orders).⁶ Additionally, the Rolark, Harriet Tubman, and Patricia Handy are either recently built, or renovated shelters that are having serious structural and/or operational issues to the extent that residents have been displaced or seriously impacted by loss of basic services. Aside from their recent renovations and conditions issues, the commonality these buildings share is that they serve the poor and unhoused.

While our scope of experience is limited to conditions of DC-owned shelters, this Committee has the ability to assess whether DGS contractors are doing sub-par work across the board or, for some reason, only in buildings in which low-income DC residents reside. We are asking the Council to hold ask DGS accountable and to stop contracting with the same developers who, time after time, provide DC residents with

⁶ Letter to Chair Phil Mendelson; Mayor Muriel Bowser; Jan. 22, 2021.

buildings or renovations that fall into disrepair after a few years. We would like to know why DGS does not disbar contractors who repeatedly conduct sub-par work.

For example:

- Patricia Handy Women’s Shelter was opened in 2016. That same year the elevator began having operational issues. The 5th floor of the shelter has been used by older women and/or women experiencing health issues and the lack of a reliable elevator has presented a hardship for residents. Two years after its opening, the dedicated outside air system also began experiencing operational issues. Despite renovations by a large contracting firm, the 4-year old shelter now needs a dehumidification system (due to mold), power upgrade, bathroom and shower renovations, window modifications, and exhaust and supply ductwork among other things.⁷ Although the DHS Department of Human Services (DHS) has worked hard to make sure the temporary placement of Patricia Handy residents are close to the original shelter, relocating is nonetheless disruptive.
- There were several news reports of families going without heat for months this past winter at the Rolark – a newly renovated building that opened as a family shelter in 2019. Now, despite that building already being apartment-style and having been built to be used for permanent supportive housing, it has closed in order to do additional renovations before it can reopen as a permanent supportive housing site.⁸
- Despite significant renovations to the second floor of the Harriet Tubman Women’s Shelter, residents continue to experience conditions issues such as power and elevator outages.

We ask that you require DGS to stop contracting with the same developers, who time after time, provide us with buildings or renovations that fall into disrepair after a few years.

III. New York Avenue Redevelopment

In last year’s testimony on budget oversight, my colleague, Caitlin Cocilova, recommended this Committee “monitor DMPED and DGS collaborations around government-owned buildings and land in the New York Avenue Corridor, particularly

⁷ Ward 2 Homeless Shelter will Close until 2022 to fix Maintenance Issues, Grablick; <https://wamu.org/story/20/10/30/ward-2-homeless-shelter-close-renovations/>; last access Mar. 10, 2021.

⁸ Ahead of a Below Freezing Weekend, Families at DC Homeless Shelter Say They Still Don’t Have Heat, Victoria Chamberlin; <https://dcist.com/story/20/01/17/ahead-of-a-below-freezing-weekend-families-at-d-c-homeless-shelter-say-they-still-dont-have-heat/>; last accessed Mar. 10, 2021; Families In DC Homeless Shelter Say They Haven’t Had Heat in a Week; Sarah Konsmo; <https://www.wusa9.com/article/news/local/dc/dc-homeless-shelter-without-heat-temps-in-30s-and-20s/65-85bba747-6618-40be-8060-bb145dbc8030>; last accessed Mar. 10, 2021.

in areas in or near opportunity zones, to keep apprised of any potential shifts, closures, or displacement of shelter residents as a result of changes” to the area. A few months prior to her testimony, Bisnow held an event titled, “Welcome to New York Avenue,” featuring Doug Jemal and his plans for the “gateway to the city.”⁹

A few weeks ago, the ICH Emergency Response and Shelter Operations Committee (ERSO) announced the New York Avenue shelter will be moved, rather than renovated. We would like to know more about the basis for this decision. Where will the new site be? Will the old site be maintained in DC’s portfolio, or sold to Doug Jemal or another developer?

We are very concerned about where the new site will be. After all, if shelters that are located in the industrial part of town are closing at least in part because those properties are seen as valuable by developers, what is left? We ask that this Committee inquire into whether this closure is truly necessary and what the future plans are for the current site. We also would like this Committee to request a full list of the DC- owned properties not in use, for the purpose of public transparency around what choices DC has for a replacement shelter.

Lastly, we would like to again issue a warning regarding the CCNV Shelter - the largest shelter in the country and a unique, quasi- cooperative entity run by the people it serves. We are concerned this shelter is also in danger of being shut down, which could impact up to 1,350 people.

Attachments

1. Letter to DGS, DHS, DOEE from the Washington DC Legal Clinic for the Homeless dated Sept. 28, 2020 (with full attachments).
2. Environmental Management Plan, Hillis-Carnes Capital Services; Mar. 6, 2020

⁹Welcome to New York Avenue; Dec. 5, 2019; <https://www.bisnow.com/events/washington-dc/welcome-to-new-york-avenue-2395>; last accessed March 4, 2021.