

D.C. Council Committee on Judiciary and Public Safety- Police Reform Commission Report  
Recommendations Hearing-May 20, 2021

*Testimony of Brittany K. Ruffin, Affordable Housing Advocacy Attorney, The Washington Legal Clinic for the Homeless*

Good afternoon, Councilmembers. I am Brittany K. Ruffin, Affordable Housing Advocacy Attorney at the Washington Legal Clinic for the Homeless. Since 1987, the WLCH has envisioned and 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. Unfortunately, it is difficult for the vast majority of our vulnerable residents to focus on thriving when basic survival has become such a challenge.

We commend the thoughtfulness and intention of the *DC Police Reform Commission Report* to address many community issues and concerns by focusing on ways to decenter policing while improving public safety. We applaud the inclusion of the content in “Section Two: Strengthening the Safety Net and Decriminalizing Poverty” and the contemplation of what *actually* makes people safe. Too often, there is an absence of consideration for fundamental human needs in discussions around public health and safety. Access to food, water, shelter, and other essential physiological human needs should be the primary step in addressing community safety. Unfortunately, too many DC residents, largely Black and brown, are forced to navigate their survival with a lack of those basic resources. The fact that those same marginalized communities are also the most surveilled and policed is no coincidence. Systemic racism and a general failure to invest in equitable remedies that acknowledge intentional harm have continued to perpetuate unjust outcomes and disparities. DC must broaden its definition of safety and begin to address its failure to meet the underlying needs of its residents. Housing saves lives. Health is safety. Food is safety. Without universal access to those things as a right—not as a luxury-- there is no public safety. Specifically, this testimony will emphasize an unwavering support for recommendations that prioritize funding to address DC’s deeply affordable housing/homelessness crises and legislation to address the criminalization and penalization of “survival conduct” rooted in poverty and homelessness.

The District of Columbia continues to have an affordable housing crisis that threatens thousands of its residents. In particular, there is a dearth of deeply affordable housing in DC—the category that is

needed the most. Despite this fact, deeply affordable housing for those at 0-30% AMI continues to be the most underproduced in DC. The pandemic and its resulting state of economic instability for so many has only exacerbated the need for more deeply affordable housing creation.

DHCD is the agency that controls and administers the Housing Production Trust Fund. The Housing Production Trust Fund is *the* main source for creating and preserving affordable housing in D.C. Despite a statutory requirement that 50% of the HPTF be allocated to build and preserve housing that is affordable to households at up to 30% AMI, the agency has failed to meet the allocation. Currently, in FY21, DHCD projects that a mere 27% of funds will be used for 0-30%. When a significant pot of money meant for housing creation for the lowest-income residents is constantly allowed to be unused and disregarded *despite* statutory prioritization and without consequence, DC has to reevaluate its purported commitment to deeply affordable housing and its residents who struggle the most to live here. DC Council must assert greater oversight over HPTF project selection and funding, ensuring that the HPTF money is being allocated as intended—to prioritize the creation of much needed deeply affordable housing.

The public health emergency has emphasized existing community needs and racial disparities. In DC, the majority of COVID-19 deaths thus far have been of Black residents. Eighty-eight percent (88%) of those experiencing homelessness in DC are Black—a pre-pandemic statistic. More than 20,000 Black residents were displaced from DC between 2000 and 2013. Undoubtedly, many more have been displaced in this last decade as housing affordability in the city continues to decrease. Currently, Black residents account for nine out of ten of the extremely low-income households (0-30% AMI) in D.C. Those same households are severely rent-burdened, spending over half of their income on housing. The *median* Black household in DC has an income at the 40%AMI level. The data is clear that not prioritizing deeply affordable permanent housing creation and failing to place limits on DC's luxury/Class A property developments will mean further displacement and trauma for Black DC residents.

As mentioned in the Police Reform Commission Report, different definitions of homelessness make it hard to know the true population of those experiencing homelessness in DC. Hundreds of individuals and families are undercounted by not including those who are not living on the streets or receiving services through DC shelters. One can refer to the discrepancy between the Point-In-Time count and the number of students that DCPS reports as experiencing homelessness. There are many more households experiencing housing instability than seek or receive homelessness services through DHS. If DC refuses to acknowledge the true need for housing, the need can never be met. While it is clear that DC is not meeting the actual needs of those who experience housing instability, DC does not lack adequate resources to substantially address the housing needs. DC lacks the political will and a real commitment to prioritize permanent housing for those who need it the most. Deeply affordable housing creation in DC must be intentional. Extremely low-income residents need subsidies to be able to live in DC. Without targeted policies and funding for deeply affordable housing, low-income and marginalized communities will continue to struggle to maintain an existence in DC.

DC must pair an acknowledgment of the failure to meet resident needs with budget funding commitments and necessary legislative changes. Legislative changes must occur to allow residents to attempt to meet their own survival needs without punishment. People who are lacking basic necessities and striving to feed/shelter themselves and their families should not face consequences for doing so. People with no permanent housing that are sleeping outside in public spaces and/or living in

encampments should not be penalized for the life-sustaining actions of desiring and locating a place to rest.

While decriminalization is certainly a better option than categorizing survival behaviors as crimes, legalization should be the preferred choice. Laws prohibiting temporary abode, occupancy of public space without a permit, and panhandling should simply be repealed. DC should not be creating punishments and illegalizing conduct related to the attainment of human needs or status of homelessness. Even without a threat of criminal enforcement, there is no legitimate purpose for imposing a fine as an infraction against an already under-resourced resident. A fine as a penalty only serves as confirmation of a continued lack of concern and dismissal of the reality of the struggles that so many DC residents face. A goal of the Council should be to eliminate contact between law enforcement and DC residents altogether—especially since race and homelessness status make people more susceptible to police interaction. DC must reject the reliance on enforcement as an acceptable response to its unwillingness to meet the most fundamental needs of its residents. Public safety is achieved when people have the resources, ability, and access to feel protected in their lives. At its core, housing is safety and protection. Minimizing harm and trauma while increasing investments to meet the permanent housing needs of DC's most vulnerable residents should be the ultimate mission.