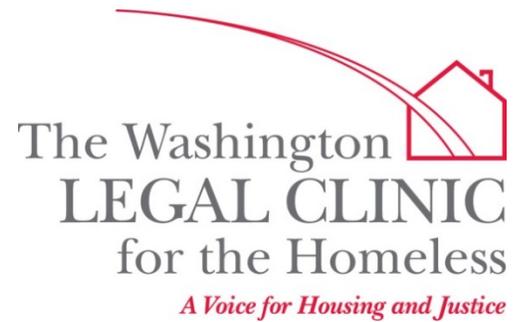


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## Committee on Government Operations *Human Rights Enhancement Amendment Act of 2021* **Amber W. Harding** **October 20, 2021**

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. The Legal Clinic strongly supports the *Human Rights Enhancement Amendment Act of 2021*. The People for Fairness Coalition and the National Coalition for the Homeless have led the charge to add homelessness as a protected class to the D.C. Human Rights Act for years and we are hopeful that this time the bill could really become law.

We regularly get calls from people who are homeless who have experienced discrimination but because homelessness is not a protected class, they have no legal recourse. These are not cases that are covered under any other part of the Human Rights Act: people living in shelters who can't get interviews for jobs if they use the shelter address on their applications, people not allowed to enter businesses to purchase goods because the store employees know they are homeless, people who report police telling them to "move on" when they are violating no law because neighbors don't want homeless people around. Then there are the ways that laws are enforced differently against people who are homeless than they are non-homeless residents. Many persons experiencing homelessness have been cited for public urination when they have no access to a bathroom, but few bar-hoppers have been cited for the same behavior. People who are homeless are threatened with arrest or loss of property for "public camping" but it is unlikely Kingman Island campers get the same treatment.

While nearly 9/10 people experiencing homelessness are Black and many others belong to other protected classes, discrimination against people for their homelessness is separate and distinct from other forms of discrimination. We believe DC should aspire to be a "human rights city" by providing enough affordable housing to end homelessness. Until that happens, though, the least it can do is protect people from discrimination while they are homeless.

The recent callous and dehumanizing actions by our own DC government against people who live in encampments illustrate the unique bias, or perhaps unique combination of biases, that people hold against those who are homeless. The Bowser Administration appears to have declared war on encampments, separate and apart from any benevolent effort to provide housing to its residents. Not only is the Bowser Administration engaging upwards of six government agencies, including the police, in clearing encampments prior to all of its

residents being offered housing, but they are doing so violently and carelessly. Two weeks ago, a Department of Public Works (DPW) employee lifted a man in his tent with a front loader and began dragging the tent to a dumpster. He could have been crushed to death if not for the bystanders who screamed at city officials to cut him out of the tent.

When the Deputy Mayor for Health and Human Services, Wayne Turnage, was asked to stop using heavy machinery at clearings, he refused. Instead, he vowed to increase the number of encampments cleared and to establish a line of police officers around the tents for “safety.” (Whose safety? Certainly not the tent residents.) He reportedly said that he could not ask DPW workers to clear encampments by hand because it would put the workers at risk.

When the encampments are completely clear, the plan is to make these sidewalks and parks into “no camping zones.” (The underpasses at L and M Street NE will be turned into “pedestrian passageways,” which we assume is a subset of no camping zones that won’t be applied to parks.) These new zones are “immediate disposition” zones that designate any property—no matter what it is or where it is placed—as a *per se* a health or safety risk subject to immediate disposal without notice. In case it is not clear who these zones are meant to target, the agency listed on the sign is the Department of Human Services, not the Department of Public Works.

People who are homeless are just people. Their bodies and their belongings are not more hazardous or toxic than anyone else’s. When our own government takes official action to designate their bodies and belongings as unsafe and unhealthy—to be handled with heavy machinery and forbidden from public space—there could be no better evidence that enough bias exists to necessitate increasing civil rights protections for people experiencing homelessness.

