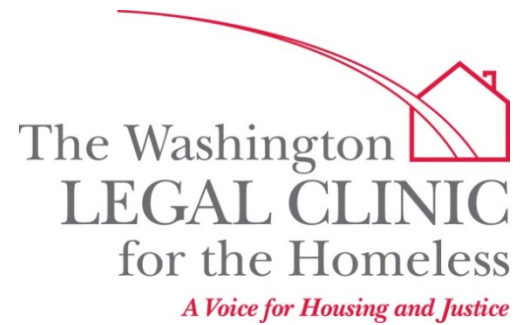


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Committee on Human Services Public Oversight Hearing

"DHS's Implementation of Historic Housing Investments and Pandemic Recovery Efforts" Testimony of Amber W. Harding

Thank you for the opportunity to testify today. My name is Amber Harding and I am an attorney at the Washington Legal Clinic for the Homeless. 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. While I will submit more extensive written testimony, today I am going to focus on the agency's plans to exit families from rapid re-housing for time limits with no further assistance.

It is my belief, based on the number of permanent housing resources in the FY22 budget, that DHS does not need to terminate a single family from rapid re-housing for reaching a time limit. Yet our understanding is that the agency intends to terminate up to hundreds of families, beginning December 1.

We all know that the vast majority, 90% in fact, of families terminated for reaching a time limit cannot afford their rent at the time assistance is cut off, setting them up for eviction and a return to homelessness. The Legal Clinic and our colleagues at Bread for the City, Children's Law Center, and Legal Aid Society, among others, have opposed the growth of and dependence on rapid rehousing because of this cycle of eviction and instability. We are aware that you, Councilmember Nadeau, have not always shared our vision for reform, or perhaps even a strong belief that reform is necessary. What you have always said is that the way to prevent harm in rapid rehousing is to ensure that there are sufficient permanent housing resources so that nobody is exited into housing instability. This is the first year where DC has actually had enough permanent housing resources to test that vision, largely thanks to your leadership.

But if DHS insists on terminating families for time limits *even with* sufficient housing resources available, then the agency is either not competently administering its resources or is choosing harm as a matter of policy. I would hope we would all agree that harm that results from either apathy or antipathy is unacceptable. With 1000 families reaching a time limit in rapid rehousing and over 1600 new permanent housing resources, it is critical in today's hearing to get to the bottom of why DHS intends to terminate families for time limits.

During the budget hearings last spring and summer, many of us raised concerns about time limit terminations. With the Mayor's ending of the public health emergency, the agency's commitment to keeping the families stably housed also came to an end. As a member of the

FRSP Advisory Board, I learned on July 14 that 1000 families in rapid re-housing had been in the program for over 18 months. With the Mayor's budget proposal and federal vouchers, DHS estimated that they would transition 420 of the 1000 "long-stayer" families to a permanent housing subsidy. The rest, they said, 580 families, would have to be terminated from the program in FY22, receiving no further rental assistance.

Since DHS confirmed this decision was prompted by budget pressures, we along with the Council, developed a budget solution. We immediately informed Council that 580 families were at imminent risk of housing instability and eviction unless the Council increased permanent housing subsidies for homeless families. (When the Chairman's budget proposal came out with no additional housing for families, about 300 people in 12 hours sent emails to the Council asking them to fix the impending doom of the rapid rehousing cliff by funding vouchers for families.) The DC Council heard us loud and clear, and passed a tax increase on high-income earners that funded significant, historic permanent affordable housing resources for families as well as individuals.

The DC Council approved a budget that added the following additional housing resources specifically for homeless families:¹

- 535 (255 from Council, 280 from Mayor and federal government) Permanent Supportive Housing (PSH) slots,
- 307 Targeted Affordable Housing (TAH slots),
- 310 Local Rent Supplement Program tenant vouchers (LRSP tenant vouchers), and
- 500 slots for DC Flex

That's 1652 permanent housing slots for homeless families in the FY22 approved budget (1307 added by Council). Even accounting for the fact that not every LRSP tenant voucher will go to a homeless family in shelter or FRSP because the pool includes homeless families directly on the DCHA waiting list who may be homeless but not served by a DHS program, 1652 housing slots are more than what the agency needs to transition 1000 families in rapid re-housing or shelter into permanent housing, solving the rapid rehousing budgetary pressure.

We worked with Chairman Mendelson's office to craft Budget Support Act language that reflected the Council's intent: that the only families that could be terminated for time limits in rapid rehousing would be those who could afford their rent without further assistance. When the BSA language was submitted to the CFO for a fiscal impact analysis, DHS reported to the CFO that there was a large fiscal impact due to the fact that only 10% of families could be exited for time limits under that standard. Let me repeat that—DHS stated that only 10% of families who have been in rapid re-housing for more than 18 months can actually afford their rent without further assistance. That is a damning statistic—in other words rapid rehousing, whose stated goal is to move families to permanent housing stability, fails 90% of participants.² The Chairman had to pull the language from the BSA. The Chairman did, however, add language requiring the agency to issue TAH regulations on eligibility by November 1, which they have not done, and required that those regulations provide a preference for long-stayer families who are not eligible for PSH.

¹ Caveat that some of these numbers may have shifted a bit but are the best numbers we have. Breakdown of funding can be found here: <https://www.legalclinic.org/historic-housing-investments-present-opportunity-to-make-real-progress-in-ending-homelessness/>

² The stated objective of rapid re-housing is "to help a homeless individual or family move as quickly as possible into permanent housing and achieve stability in permanent housing such that recipients may remain in the housing when assistance ends." D.C. Code 4-751.01(31A).

As soon as the budget passed, I reached out to the full FRSP Advisory Board to share the good news: that the agency no longer needed to terminate anyone for a time limit in FY22. We were told that DHS would redo its plan in consideration of the new housing investments. On September 14, DHS convened the Advisory Board and shared that the additional permanent housing slots (1300 of them) had reduced the number of families slated for program exit from 580 to 227, a reduction of 353 families. These are not families who, despite what Director Zeilinger may have told you, are being terminated for not cooperating with case management. They are families being terminated only because they have reached an arbitrary time limit.

I raised at the meeting that I did not understand why any family was being terminated at all. I asked point blank whether there was a policy reason for exiting families for time limits or whether it was all about the budget? They said it was all about the budget. I asked them whether anything in budget had changed from July to September, They said no. I asked why terminate any family at all? DHS staff stated that it was a budget issue, and it was too complicated to explain. (To be clear, I have worked on housing and homeless service budgets for 18 years. If they cannot explain the rapid rehousing budget to me in a way that makes sense, I think the failure is on their end, not mine.) To this day, we have not had an explanation that makes sense.

I am not implying that staff at DHS wake up in the morning plotting how to harm families. We have a very productive working relationship with Noah Abraham and Darrell Cason, and they have been open to some of our feedback on the process and communications with clients. We have seen improvements and appreciate their responsiveness. But I think families, the Council, and the public deserve a cogent, fact-based answer to why the agency believes they need to terminate any families from rapid rehousing this year for time limits. This is a problem the Council clearly intended to solve with the budget. We all need to understand why the problem persists and take appropriate action to ensure that not a single family is unnecessarily terminated and put at risk of eviction and homelessness.

