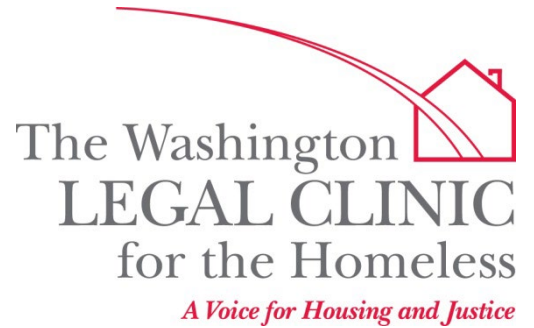


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D.C. Council Committee on Housing and Executive Administration Budget Oversight Hearing-
DCHA -March 30, 2022

Testimony of Brittany K. Ruffin, Senior Counsel, The Washington Legal Clinic for the Homeless

Good afternoon, Councilmembers. I am, Brittany K. Ruffin, Senior Counsel 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 DC’s vulnerable residents to focus on thriving when basic survival has become such a challenge.

For the last few years, tenants and advocates have requested a recurring \$60 million for a minimum of ten years that will address the substantial preservation, rehabilitation, and redevelopment needs of DC’s public housing properties. Due to zealous advocacy and Council’s commitment, DCHA has received \$50 million in the budget for the last couple of years. We are pleased that, this year, Mayor Bowser increased her investment to DCHA in her budget proposal and dedicated \$50 million to DCHA for FY23 before it even reached Council. Now, instead of having to fill a much larger gap, Council only needs to fill a \$10 million gap to reach the annual \$60 million that has been determined as necessary to address the significant repair and rehabilitation needs of DC’s public housing stock.

DCHA has recently indicated a primary focus on getting vacant public units ready for occupancy, with a goal of seven hundred units back online within the next year. While that is an encouraging goal, it just cannot be the only one; substantial attention must still be given to families living in deplorable conditions in current units.

We applaud the mayor for fully funding the Fair Budget Coalition’s PSH voucher recommendation for FY23. However, the lack of funding for tenant-based vouchers that are unattached to services continues to disappoint, perpetuating an ideology that pathologizes poverty while dismissing the challenges and inequities of systemic racism and capitalism. Each year, DC becomes more unaffordable for low-income families. There remains a crucial need for investment into LRSP tenant vouchers so that families on DCHA’s waitlist and vulnerable communities have an opportunity to secure safe and permanent housing. We join the FBC’s requests for \$17.33M to pull families from the waitlist and \$1.3M for an increase in voucher allocation to support housing needs of returning citizens.

DCHA is the largest landowner in D.C. It is also the largest source of DC's large-family and accessible units. The public housing population is nearly all Black, and over half are seniors and/or those with disabilities. Currently, ninety-five (95%) percent of the residents in DCHA properties are within the 0-30 percent AMI range, extremely low income. Public housing in DC is the only true deeply affordable housing in the city—the only housing that remains solely for the demographic of residents that cannot live in DC otherwise.

Despite the deeply affordable housing needs in DC and the fact that a decrease in public housing units would further exacerbate Black displacement and racial inequity in the city, there has been a tendency to focus on public housing redevelopment that does not prioritize the actual housing needs of those who need it the most, now or in the future. Due to clear conflicts of interest in agency missions, DCHA cannot simply operate as an arm of DMPED. DCHA cannot allow its properties to become subject to the will of developers whose sole purpose in this city is to garner exorbitant profits. Affordable housing is too crucial a need in DC for this committee and Council not to treat its oversight responsibility of DCHA with the seriousness and urgency that is required. What DCHA and its BOC lack in consistency and commitment to the agency's stated mission, this committee must ensure through its oversight capabilities. This Council, through its oversight, must assert DCHA's mission as primary: preserving and creating housing for the residents earning the least in the District.

We continue to urge an overall examination of mayoral influence on DCHA, particularly within the structure of the DCHA Board of Commissioners, and suggest legislative action to restructure. The Council must not allow this or *any* mayor's administration to exert undue power and control over DCHA's operational or redevelopment decisions. This committee must also cease participation in legislative efforts by the agency or mayoral administrations to undermine its own oversight capabilities.

We implore Council to assert its authority over implementation of legislative policy. During the last budget season, Council crafted BSA language that required DCHA to specifically update its LRSP eligibility regulations to minimize barriers and expedite access to housing. While DCHA missed the original November 1st deadline and initially failed to issue emergency regulations as directed by this Council, we were pleased to see that the agency recently issued emergency regulations. BSA language instructed DCHA to allow self-certification and remove LRSP eligibility barriers based on criminal legal interaction and immigration status. The regulations capture some portion of the BSA instructions; however, the agency has, thus far, failed in the translation and implementation of the BSA language, causing concern for providers, applicants, and attorneys. The agency has added exceptions and exclusionary language to its guidance and interpretation of the provisions that have no statutory or regulatory basis. The LRSP local voucher program is not beholden to federal exclusions--which is *why* the BSA set forth language for DCHA to remove eligibility barriers that would screen out applicants based on criminal legal interactions and immigration status. Legislative requirements are pointless if they are not enforced and correctly implemented. DCHA must quickly update their regulation guidance and issue permanent regulations that comply with the Council's intent and BSA language. Council must also accurately amend the Local Rent Supplement Program statute to remove these barriers as intended so that providers and applicants do not have to rely on DCHA's interpretation of the law.

There has been an acknowledgment since last year that streamlining issues between DCHA and DHS have led to frustration and delay within the lease-up process. The agencies have reported working on improving platforms and communications, including DCHA finalizing a new portal in the next few months. We look forward to its completion and Council's oversight and support in ensuring that the streamlining and lease-up process is improved.

The Council recently passed the Eviction Record Sealing & Fairness in Renting Amendment Act of 2022. In order for tenants to achieve the full protection of the legislation through OHR enforcement, funding of \$446K is needed for the Office of Human Rights. While this committee is not responsible for OHR oversight, we urge this committee to join in the advocacy to ensure that funding exists so that legislation passed through this committee can be enforced as intended.

Finally, we continue to urge the Council to strongly support the protections originally introduced in the *Public Housing Preservation and Tenant Protection Amendment Act of 2020* and memorialize the right to return, a principle that DCHA administrations have publicly supported without formalizing. The legislation would memorialize DCHA's stated commitment to its residents, ensuring that public housing residents can rightfully access the housing that is intended for them upon any property redevelopment.

This Committee and Council must utilize its oversight abilities to do everything within its power to protect the District's lowest-income residents and fund their access to housing in DC. Council must maintain an overarching commitment to the people struggling the most to live in DC, asserting the critical needs of DC residents in DC's budget. Fundamentally, creating and preserving deeply affordable housing, ending homelessness, and achieving racial equity cannot be consistently touted as DC priorities if the budget funding does not reflect that.